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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMMA C., et al.,

Plaintiffs,

v.

THURMOND, et al.,

Defendants.

3:96-cv-04179-VC

**STATE DEFENDANTS' FURTHER
PHASE 2 SUBMISSION**

Judge: The Honorable Vince Chhabria

Pursuant to the Court’s July 5, 2019 Order re State’s Compliance at Phase 2 (Dkt. 2520) (the “7/5/19 Order”) and the September 3, 2019 Scheduling Order (Dkt. 2531) (the “9/3/19 Order”), Defendants California Department of Education (“CDE”), Tony Thurmond, in his official capacity as the State Superintendent of Public Instruction, and State Board of Education (“SBE”) (collectively, “State Defendants” or the “State”) hereby submit their Further Compliance Report for Phase 2¹ (the “Further Phase 2 Compliance Report”), attached hereto as **Exhibit 1**, to demonstrate that the State’s data analysis activities are sufficient to allow the State to effectively fulfill its monitoring and enforcement duties under the Individuals with Disabilities Act (the “IDEA”) and address to the Court’s concerns as set forth in the 7/5/19 Order. The Further Phase 2 Compliance Report also addresses CDE’s proposal to collect data on IEP implementation to address the Court’s concerns as set forth in the August 17, 2018 Order re State’s Compliance at Phase 1 (Dkt. 2428) (the “8/17/18 Order”).

In its 7/5/19 Order, the Court identified concerns with the State Performance Plan (“SPP”) targets that the State uses in connection with the aforementioned data analysis activities. (Dkt. 2520 at 15-18.) At the August 28, 2019 Case Management Conference (“CMC”), CDE informed the Court that it would be submitting updated State Performance Plan (“SPP”) targets to the Office of Special Education Programs (“OSEP”) in 2020 in connection with the upcoming six-year cycle, and anticipated that it would publicly release its proposed new SPP targets in April 2020 for SBE’s approval. (Dkt. 2531; *see also* Dkt. 2526 at 3.) Accordingly, CDE anticipated submitting the proposed new SPP targets to the Court at the same time in April 2020, and proposed that the Court set a further CMC in April 2020 to discuss how to address the new proposed targets at the June 2020 further Phase 2 hearings, as the proposed new targets would not be publicly released in time for the State’s January 31, 2020 and April 7, 2020 Phase 2 submission deadlines. (Dkt. 2531.)

OSEP announced this past fall that it would not be implementing a new six-year cycle until next year, and instead directed States to create extension targets for the current cycle and submit

¹ Where necessary, State Defendants have appended documents as evidentiary support for the Further Phase 2 Compliance Report (identified as “Attachment ___” throughout).

1 them to OSEP by February 1, 2020, the date OSEP previous set for States to submit targets for
 2 the next six-year cycle. CDE's proposed SPP extension targets have been publicly released and
 3 were submitted to SBE for approval earlier this month.

4 Because of OSEP's revised timeline for the next six-year cycle, the State cannot adopt new
 5 SPP targets for next six-year cycle until the 2021-2022 monitoring year, and the State anticipates
 6 SBE will not be in a position to approve the new targets for the next six-year cycle prior to the
 7 end of 2020. Accordingly, while CDE has included in this submission the extension targets it has
 8 submitted to SBE for approval and that it anticipates submitting to OSEP, CDE anticipates that it
 9 will not be in a position to publicly release proposed targets for the next six-year cycle in advance
 10 of the June 2020 further Phase 2 Hearings. In light of this development, CDE respectfully
 11 requests that the Court reschedule the telephonic CMC set for April 22, 2020 to a date in
 12 February 2020 to allow the Court and the parties to determine how best to address that issue in
 13 advance of the remaining submission schedule for the Monitor and the parties and in connection
 14 with the June 2020 further Phase 2 Hearings.

15
 16 Dated: January 31, 2020

Respectfully Submitted,

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20
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EXHIBIT 1

State Defendants’ Further Phase 2 Compliance Report

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Emma C. v. Thurmond et al.; Case No. 96-cv-04179-VC**STATE DEFENDANTS' FURTHER PHASE 2 COMPLIANCE REPORT****I. Introduction**

The Court is examining the State's compliance with the Individuals with Disabilities Act (the IDEA) in four phases. In Phase 2, the Court is examining the State's data analysis activities, and whether those activities are sufficient to find that the State is effectively fulfilling its monitoring and enforcement duties under federal law. The Court issued an order on July 5, 2019 (7/5/19 Order) with respect to the State's compliance at Phase 2, in which the Court identified certain areas where it deemed the State out of compliance. (Dkt. 2520.) In that Order, the Court concluded that the State was not found compliant at Phase 2 because (1) California Department of Education (CDE) was not sufficiently analyzing data regarding small local educational agencies (LEAs), preschool, and mediation (Dkt. 2520, pp. 11-14); (2) CDE's selection methodology for "comprehensive review"—CDE's most intensive monitoring activity—resulted in CDE selecting incorrect and insufficient LEAs for comprehensive review (Dkt. 2520, pp. 18-24); and (3) the targets CDE uses to select LEAs for further monitoring activities were not sufficiently rigorous¹ (Dkt. 2520, pp. 15-18). This submission discusses CDE's activities to address the Court's concerns in those aforementioned areas.

In addition, this submission also addresses the Court's concerns with the State's data collection activities with respect to individualized education program (IEP) implementation, as set forth in the Court's August 17, 2018 Order (8/17/18 Order) regarding the State's compliance at Phase 1.

II. Overview of Three Levels of Monitoring

To frame the State's process for selecting LEAs for interventions, the State provides the following background on CDE's monitoring system.

CDE plans to implement a revised approach for the 2019-2020 monitoring year, including universal monitoring (Level 1), targeted monitoring (Level 2) and intensive

¹ With respect to proposing new targets, the U.S. Department of Education's Office of Special Education Programs (OSEP) announced in October 2019 that it would not be implementing a new six-year cycle until next year. Instead, OSEP directed states to create extension targets for the current cycle. As discussed below, with Stakeholder input, CDE created extension targets which were submitted to SBE for approval in January 2020. (See **Attachments 5 & 7.**) However, due to the delay in implementing the next six-year cycle, the State cannot adopt new SPP targets for the next six-year cycle until the 2021-2022 monitoring year, and the State anticipates the California State Board of Education (SBE) will not be in a position to approve those new targets prior to the end of 2020. Accordingly, while CDE has included in this submission the extension targets it has submitted to SBE for approval this month and that it anticipates submitting to OSEP in February 2020, CDE anticipates that it will not be in a position to publicly release proposed targets for the next six-year cycle in advance of the June 2020 further Phase 2 Hearings.

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monitoring (Level 3). CDE's revised selection process aims to ensure that LEAs that are not meeting targets will be selected for appropriate additional monitoring. CDE revised the selection methodology and the names of the activities to address the Court's concerns and to create uniformity across activities.

Figure 1 below describes CDE's revised nomenclature for its further monitoring activities. The revised nomenclature will be used throughout this submission.

Figure 1

Monitoring Activity <u>Name</u> in the 2018-2019 Monitoring Year	Monitoring Activity <u>Type</u> in the 2019-2020 Monitoring Year
Data Identified Noncompliance →	Targeted Monitoring - Compliance
Disproportionality Review →	Targeted Monitoring - Disproportionality
Performance Indicator Review →	Targeted Monitoring - Performance
Comprehensive Review →	Intensive Monitoring - School Age
Preschool Review →	Intensive Monitoring - Preschool Age
Significant Disproportionality →	Intensive Monitoring - Significant Disproportionality

A. Universal Monitoring (Level 1)

In accordance with the IDEA, CDE annually analyzes the data submitted by each LEA. Federal law establishes the priority areas that must be reviewed by each state as follows:

- (1) Provision of free appropriate public education (FAPE) in the least restrictive environment (LRE);
- (2) State exercise of general supervision, including:
 - Child find;
 - Effective monitoring;
 - The use of resolution meetings;
 - Mediation;
 - A system of transition services (for transition from high school to adult living, and transition from preschool to K-12); and,
- (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

(20 U.S.C. § 1416(a)(3)(A)-(C).)

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OSEP has established seventeen indicators that every state must use to measure performance in the priority areas. OSEP identifies each indicator as a “performance” indicator or a “compliance” indicator.

Figure 2 shows the indicator type, indicator number, indicator description and the monitoring priority area that each indicator addresses.

Figure 2

Type	No.	Description	Monitoring Priority Area
Performance	1	Graduation Rates	FAPE in the LRE
Performance	2	Dropout Rates	
Performance	3	Statewide Assessments	
Performance	3A	Reserved for OSEP Use ²	
Performance	3B	Participation Rate	
Performance	3C	Proficiency Rate	
Combined	4	Suspension/Expulsion	
Performance	4A	Rates	
Compliance	4B	Rates by Race/Ethnicity	
Performance	5	Education Environments	
Performance	5A	In Regular Class at least 80%	
Performance	5B	In Regular Class less than 40%	
Performance	5C	In Separate School	
Performance	6	Preschool Environments	
Performance	6A	In regular education program	
Performance	6B	In separate education program	
Performance	7	Preschool Outcomes	
Performance	7A	Positive social-emotional skills	
Performance	7B	Acquisition/use of knowledge or skills	
Performance	7C	Use of appropriate behaviors	
Performance	8	Parent involvement	Disproportionate Representation
Compliance	9	Disproportionate representation	
Compliance	10	Disproportionate representation in disability categories	Effective General Supervision / Child Find
Compliance	11	Child Find	
Compliance	12	Early Childhood Transition (from Part C to Part B)	

² After passage of the Every Student Succeeds Act in 2015, OSEP omitted the use of Indicator 3A – Accountability. Accordingly, this indicator is not used to assess the State’s performance in the SPP.

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Type	No.	Description	Monitoring Priority Area
Compliance	13	Secondary Transition (from school to adult life)	Effective General Supervision / Transition Services
Performance	14	Post-School Outcomes	
Performance	14A	Enrolled in higher education	
Performance	14B	Enrolled in higher education or competitively employed	
Performance	14C	Enrolled in higher education or other education/training	
Performance	15	Resolution Sessions	Effective General Supervision / Mediation and use of resolution sessions
Performance	16	Mediation	
Performance	17	State Systemic Improvement Plan	

CDE is required to have a State Performance Plan (SPP), for which it is required to set measurable and rigorous targets³ for each LEA's performance on the aforementioned indicators related to the targets annually. (20 U.S.C. § 1416(b)(1)-(2).)

Those LEAs whose data do not indicate concerns in the priority areas reflected in **Figure 2** or other indicators identified as a priority by CDE will continue to receive Level 1 universal monitoring. This universal monitoring includes the annual collection and analysis of the LEA's data by CDE, as well as general support through the LEA's access to the State's resources. For example, all LEAs have access to technical assistance providers through state contracts as well as CDE trainings and materials posted on CDE's website.⁴

Based on CDE's annual analysis of Level 1 data, CDE selects some LEAs for more targeted, Level 2 monitoring, or more intensive Level 3 monitoring, as described below.

B. Targeted Monitoring (Level 2)

Targeted Level 2 monitoring is for LEAs that need moderate level support—more than universal monitoring (Level 1), but less than intensive monitoring (Level 3). There are three different selection criteria applied to the Level 1 data that may result in CDE identifying an LEA for targeted monitoring: (1) indicators that identify compliance difficulties; (2) the disproportionate representation of students with disabilities in special education programs relative to the presence of this group in the overall student population; and (3) indicators that identify performance difficulties. LEAs that do not

³ Targets for "performance" indicators are set by CDE; targets for "compliance" indicators are set by OSEP at either 0% or 100%.

⁴ See <https://www.cde.ca.gov/sp/se/sr/>.

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meet specified targets in these particular areas will be identified for additional monitoring.

1. Compliance indicators

CDE reviews an LEA's performance on a number of different compliance indicators to determine whether an LEA needs targeted monitoring. Some of the different compliance indicators come from the seventeen required indicators referenced in the SPP, in addition to those indicators CDE has selected pursuant to 20 U.S.C. § 1416(a)(4). CDE measures an LEA's performance on the following SPP indicators:

- Indicator 11 (Child Find): Whether 100% of children were evaluated within 60 days of receiving parental consent for initial evaluation;
- Indicator 12 (Early Childhood Transition, Part C to Part B): Whether 100% of children referred by Part C prior to age 3, who are found eligible for Part B, had an IEP developed and implemented by their third birthday; and,
- Indicator 13 (Secondary Transition, from school to adult life): Whether 100% of youth aged 16 and older have an IEP that includes the eight required elements of transition from school to adult life.

CDE also measures an LEA's performance on the following additional compliance indicators:

- Whether the LEA held an IEP meeting at least once per year;⁵
- Whether the LEA conducted a "triennial" re-evaluation to determine the student's continued eligibility for special education at least every three years; and,⁶
- Whether the LEA held an informal resolution session with the parent within fifteen days of the parent's filing a request for a special education due process hearing with the Office of Administrative Hearings.⁷

CDE selected the first two additional compliance indicators to ensure LEAs are reviewing student progress, which is necessary to ensure FAPE in the LRE. CDE selected the third indicator to ensure LEAs are meeting the requirements for due process timelines, a priority area for monitoring. (34 C.F.R. § 300.600(d)(2).)

⁵ 20 U.S.C. § 1414(d)(4)(A)(i); Cal. Educ. Code §§ 56341.1(d), 56343(d).

⁶ 20 U.S.C. § 1414(a)(2)(B)(ii); Cal. Educ. Code § 56381(a)(2).

⁷ See 20 U.S.C. § 1415(f)(1)(B)(i)(I). Use and analysis of timely resolution session data for Due Process Filings begins in the 2019-2020 monitoring year, based on school year 2018-2019 data.

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2. Disproportionality

CDE analyzes data annually to identify disproportionate representation of students with disabilities in LEAs, and to identify LEAs for targeted monitoring. Specifically, CDE examines the following four areas:

- Disproportionate representation across race and ethnicity for ages 3 through 21 may indicate that an LEA has issues with over- or under-identification of students with disabilities for a particular race/ethnicity. CDE uses a risk ratio to select LEAs.
- Disproportionate representation across race and ethnicity and disability categories for ages 3 through 21 may indicate that an LEA has an over- or under-identification of students with disabilities for a particular race/ethnicity and disability. CDE uses a risk ratio to select LEAs.
- Disproportionate representation across race and ethnicity for ages 3 through 21 within five discipline categories may indicate that an LEA disproportionately disciplines students with disabilities within a particular race/ethnicity as compared to their non-disabled peers. CDE uses a risk ratio (or alternate risk ratio where applicable) to determine whether high instances of disproportionality exist in LEAs for five categories:
 - Any discipline
 - In-school suspensions of 10 days or fewer
 - In-school suspensions of greater than 10 days
 - Out-of-school suspensions and expulsions of 10 days or fewer
 - Out-of-school suspensions and expulsions of greater than 10 days
- Disproportionate representation in placement for students ages 6 through 21 may indicate that an LEA disproportionately places students with disabilities within a particular race/ethnicity in more restrictive educational settings as compared to their non-disabled peers. CDE uses a risk ratio (or alternate risk ratio where applicable) to determine whether high instances of disproportionality exist in LEAs for two categories:
 - Placement in regular class less than 40% of the day
 - Placement in separate schools

Based on the review of all LEAs, some LEAs are selected, and for these selected LEAs, CDE reviews special education policies and procedures and evaluates a sample of student records to determine if the LEA has any specific areas of noncompliance that contributed to disproportionality.

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CDE annually analyzes each LEA's performance on certain specific performance indicators in selecting LEAs for targeted monitoring. The performance indicators CDE evaluates are:

- Dashboard: Graduation Rate* ⁸
- SPP Indicator 2: Dropout Rate*
- SPP Indicator 3b: Statewide Assessment Participation
- Dashboard: Statewide Assessment Proficiency
- Dashboard: Suspension Rate
- SPP Indicator 5: Least Restrictive Environment
- SPP Indicator 6: Preschool Least Restrictive Environment
- SPP Indicator 8: Parent Involvement
- SPP Indicator 14: Post-school outcomes*

For those performance indicators that are part of the seventeen SPP indicators and also included on the state's general accountability Dashboard,⁹ CDE uses the data from the Dashboard, as it represents the data with the most public presence and accessibility. Additionally, inclusion of Dashboard indicators reduces confusion and enhances interoperability, using a single metric to hold LEAs accountable. These "overlap" indicators are graduation rate, statewide assessment proficiency, and suspension.

CDE's general accountability system analyzes data to determine if LEAs need monitoring and support, known as differentiated assistance. LEAs are identified for differentiated assistance if they have scored "Red" for the same student group in two or more priority areas, or one "Orange" and one "Red" on the assessment priority area. If an LEA is identified as being at an "Orange" performance level (the second to lowest performance) for the suspension indicator for the students with disabilities student group, CDE's monitoring can assist the LEA in addressing the root cause of the problem.¹⁰

⁸ The indicators marked with an asterisk above (graduation rate, dropout rate and post-school outcomes) apply to high school students. Because this case is focused on students in grades kindergarten through eighth grade, these indicators are outside the scope of this case. Nevertheless, the State identifies these indicators to demonstrate the full scope of CDE's targeted monitoring data analysis.

⁹ The California School Dashboard is a Web-based system for publicly reporting performance data on the state and local indicators included in the Local Control Funding Formula (LCFF) rubrics. (Cal. Educ. Code § 52064.5(f).) See <https://www.cde.ca.gov/ta/ac/cm/>.

¹⁰ More information about how LEAs are identified for differentiated assistance is available at <https://www.cde.ca.gov/be/pn/im/documents/dec19memoamard01.docx>.

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In addition to the above Dashboard and SPP indicators, and separate from the SPP Indicator 11 compliance indicator for Child Find, CDE is measuring a Child Find performance metric in the 2019-2020 monitoring year. Beginning in the 2020-2021 monitoring year, CDE will also measure LEA performance on two additional performance metrics: (1) restraint and seclusion; and (2) the use of mediation to resolve disputes. These two additional performance measures will be explained in greater detail below.

C. Intensive Monitoring (Level 3)

Based on the Level 1 review of data conducted for all LEAs, CDE may select certain LEAs for intensive monitoring at Level 3. To address the Court's concerns in the 7/5/19 Order, CDE has revised and pared down the number of indicators used to identify LEAs for intensive monitoring to emphasize performance on those indicators most closely aligned with measuring the provision of FAPE in the LRE. There are now three different selection criteria that may result in CDE identifying an LEA for intensive monitoring: (1) Intensive monitoring, due to outcomes for students ages 6 through 21; (2) Intensive monitoring, due to outcomes for children with disabilities ages 3 through 5; and (3) identification for Significant Disproportionality.

1. Intensive Monitoring, Ages 6 through 21

Selection for this intensive monitoring activity, formerly titled "Comprehensive Review," is based on the LEA's performance in three categories: (1) assessment; (2) educational climate; and (3) placement.

2. Intensive Monitoring, Ages 3 through 5

Selection for this intensive monitoring activity, formerly titled "Preschool Review," is based on the LEA's performance in three categories (1) assessment, (2) discipline, and (3) placement. This review may be conducted as an adjunct to the intensive monitoring for ages 6 through 21 for LEAs selected to participate in that activity, or it may be conducted as a separate review for those LEAs not selected for intensive monitoring for ages 6 through 21.

3. Significant Disproportionality

States must collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the state and the LEAs of the state with respect to (1) identification, including identification with a particular impairment; (2) placement in particular educational settings; and (3) the incidence, duration and type of disciplinary actions. (20 U.S.C. § 1418(d)(1).) CDE identifies an LEA as having significant disproportionality if it exceeds the risk ratio for a group or category for three consecutive years and fails to demonstrate reasonable progress¹¹ in lowering the risk ratio or

¹¹ Reasonable progress is discussed in greater detail below.

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alternate risk ratio for a group or category for the two prior consecutive years. (34 C.F.R. §§ 300.646 and 300.647.)

With this framework in mind, CDE turns to the specific changes it has made to address the Court's concerns.

III. Changes in Response to 7/5/19 Order

A. Additional Data Analysis

1. Small LEAs

The Court Order deemed CDE out of compliance in Phase 2 because CDE did not include small LEAs, i.e. LEAs with less than a certain number of students, in CDE's ordinary data analysis of LEAs. (Dkt. 2520, pp. 11-12.) Although the Court acknowledged there may be valid reasons for CDE's omission of small LEAs in the foregoing analysis, the Court directed CDE to develop an alternative protocol for analyzing such LEAs. (*Id.*)

CDE defines a small LEA (including charter schools) as an LEA with one hundred or fewer students with disabilities.¹² Beginning in the 2018-2019 monitoring year, CDE's special education division identified all charter schools as their own LEA for monitoring purposes to align with the state's accountability system.

During the Phase 2 hearings in April and May 2019, CDE proposed that one way to account for small N-sizes was to aggregate students into groups to apply the data calculation. (4/29/19 Hr. Tr. at 124:19-22.) Accordingly, CDE has developed a methodology to group small LEAs and apply data calculations for identification for targeted and intensive monitoring activities.

CDE conducted a number of analyses to determine the best methodology for grouping students. Two grouping models were identified: group small LEAs to their Special Education Local Plan Area (SELPA) or group small LEAs to their county. On August 15, 2019, CDE convened a technical design group that included an Executive Director of a SELPA with small LEAs, three executive-level Special Education personnel from small LEAs, and three executive-level Special Education personnel from small charter schools, to provide feedback on the options for aggregation. During this meeting, members urged that the effect of small size alone should not dictate selection for monitoring, but rather systemic poor performance should be the key determinant for selection. This presented CDE with some questions with the two proposed grouping models that resulted in additional inquiry.

¹² The Court does not seem to be concerned with CDE's setting of a particular N-size for identifying small LEAs; rather, the Court's concern as set forth in the 7/5/19 Order was with CDE's failure to perform data analysis on such LEAs. (Dkt. 2520, pp. 11-12.)

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Grouping LEAs by SELPAs raised certain issues. In California, all LEAs that provide special education and related services to students with disabilities are members of SELPAs. However, some LEAs are single-district SELPAs, meaning they are not a member of a consortium of LEAs. In its charter, a charter school indicates whether, for purposes of special education, it will act as its own LEA and join a SELPA, or will be deemed a school of its authorizing LEA. (Cal. Educ. Code § 47641(a), (b).) There are a number of “charter-only” SELPAs comprised solely of charter schools.¹³ Unlike most other SELPAs, membership in charter-only SELPAs is not limited by geographical boundaries.

Thus, grouping LEAs at the SELPA level resulted in one main issue: when this aggregation methodology is applied to single-district SELPAs, even when aggregated, several of these groupings will yield a very small student count. For example, District A is a single district SELPA with one charter school that has 11 students with disabilities. Therefore, aggregating by SELPA resulted in a group that had 11 students, in which case, the proposed grouping did nothing to address the small N-size problem.

Grouping LEAs by county resulted in different concerns. Members raised the issue that when grouped by county, Charter SELPAs and Charter LEAs¹⁴ would attribute accountability concerns to a charter school's authorizer located in the same county, but not necessarily in the same SELPA. As Charter LEAs are directly responsible for their own student population, they should be the only entity held accountable for the outcomes of their students with disabilities.

Given the issues from the technical design group and the limitations of the other grouping methodology, CDE created a hybrid methodology.¹⁵ This hybrid methodology would group LEAs with 100 or fewer students with disabilities by county, unless the LEA is a Charter LEA with 100 or fewer students with disabilities and belongs to a Charter SELPA. For the latter set of LEAs, those LEAs are grouped by Charter SELPA. This hybrid methodology resulted in the fewest number of grouped small LEAs and CDE believes it is the most appropriate methodology to assess a small LEA's performance in outcomes for students with disabilities for whom the small LEA is directly responsible.

CDE then addressed how to identify the individual LEAs within an aggregated small group that contributed to the group's overall poor performance, as not all LEAs assessed as a group will need targeted or intensive monitoring. The disaggregation

¹³ Many, but not all, charter schools that act as their own LEA for purposes of special education have joined “charter-only” SELPAs.

¹⁴ For clarity, “Charter LEAs” refer to charter schools that act as their own LEAs for the purposes of special education. (Cal. Educ. Code § 47641(a).) Many, but not all, Charter LEAs are members of a Charter SELPA.

¹⁵ The small LEA aggregation process steps and the SAS code for aggregation of students with disabilities, ages 6 through 21, are set forth in **Attachment 1** hereto.

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methodology, or the analysis of individual small LEAs, is discussed in below in Section III.C.

2. Preschool

The Court deemed CDE out of compliance in Phase 2 because CDE has not fully implemented a monitoring activity specific to children with disabilities, ages 3 through 5. (Dkt. 2520, pp. 12-14.)

To address this concern, CDE is implementing an intensive monitoring activity for preschool for the 2019-2020 monitoring year and has revised the indicators used to measure LEA performance, paring down to the metrics most closely aligned with the provision of FAPE in the LRE. CDE's use of data to select LEAs for intensive monitoring for ages 3 through 5 will be discussed in Section III.C below.

3. Mediation

The Court deemed CDE out of compliance in Phase 2 because the State does not address an LEA's mediation practices as part of its data analysis. (Dkt. 2520, p. 14.) Specifically, the Court stated that it was "far from obvious that the state couldn't take action against districts that refuse to use mediation as a blanket matter (or, for that matter, seriously neglect this tool)." (*Id.*)

To address this concern, CDE conferred with the California Office of Administrative Hearings (OAH)¹⁶ and examined available data on LEAs' practices related to mediation. By way of background, CDE contracts with OAH to administer the special education due process hearing and mediation program for California. (Cal. Educ. Code § 56504.5(a).)¹⁷ Once a party has filed a request for a due process hearing with OAH, the parties must have the opportunity to resolve their dispute through voluntary, confidential mediation with an impartial third party. (20 U.S.C. § 1415(e); 34 C.F.R. § 300.506(a); Cal. Educ. Code § 56501(b)(2).)¹⁸ In addition, even before a party has filed a request for a due process hearing with OAH, the parties must have the opportunity to resolve their

¹⁶ As CDE's contractor, OAH collects data on mediations held in the state pursuant to 34 C.F.R. § 300.506 and shares the data with CDE accordingly.

¹⁷ Under the IDEA, the person conducting a mediation or due process hearing must be "impartial." (20 U.S.C. § 1415(e)(2)(A)(iii); (f)(1)(A).) State law specifies that CDE must contract with a third party for mediations and due process hearings. (Cal. Educ. Code § 56504.5(a).)

¹⁸ When a student or LEA files a request for due process hearing with the OAH, the OAH allows the parties to confer and jointly request a mediation session prior to the hearing if both agree to participate. The requested date of the mediation session, jointly agreed upon by the parties, is then communicated to the OAH for scheduling purposes. See <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Request-to-Set-Mediation-and-for-Continuance-of-Initial-Due-Process-Hearing-if-Required#@ViewBag.JumpTo>.

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dispute through mediation. (20 U.S.C. § 1415(e); 34 C.F.R. § 300.506(a); Cal. Educ. Code § 56500.3.) That is, a party can file a request with OAH for prehearing “mediation only,” hoping to resolve the dispute without the need to file a request for a hearing. (*Id.*)

OAH does not currently collect data as to why mediation did not occur. Requiring LEAs self-report that they do not mediate is unlikely to yield reliable information or address the concerns raised by the Court. Therefore, CDE proposes to adopt the following proxy method for evaluating whether an LEA is willing to mediate as part of its analysis of an LEA's performance.

Specifically, CDE has determined that it will take available mediation and due process data from OAH and filter the data, pursuant to the following four filters, to yield a list of LEAs that will be identified for targeted technical assistance related to prioritizing mediation. An LEA's annual compliance determination will not be affected by virtue of being selected to receive targeted technical assistance related to mediation.

Filter 1: Identify LEAs that filed a request for due process hearing only without mediation.

Parents and LEAs may file different types of requests with OAH for various types of services (e.g. requests for due process hearings with or without mediation, and requests for “mediation only”).

If CDE finds that an LEA has filed a request for a due process hearing only without mediation, that LEA will be selected for targeted technical assistance in the area of mediation absent mitigating data.¹⁹ In Fiscal Year (FY) 2018-2019, only four LEAs filed a request for due process hearing only without mediation.

Filter 2: Identify LEAs involved in cases in which a due process complaint was resolved by a due process hearing and written decision *and* there is no data indicating that mediation was held *and* there is no data indicating a willingness to mediate.

When a due process hearing request is not resolved by other means, the dispute proceeds to an administrative hearing and the administrative law judge issues a written decision. By filtering the data by those cases that were ultimately resolved by a hearing and written decision, CDE identifies those cases that were not successfully resolved prior to hearing, as such cases could be due to an LEA's refusal to participate in mediation. In FY 2018-2019, 52 LEAs had disputes resolved through a due process hearing and written decision.

¹⁹ CDE will use instances of an LEA initiating the mediation process as a mitigating factor when selecting LEAs for targeted technical assistance in this area. See Filter 4, below.

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CDE will then analyze the data further to identify those cases in which mediation was actually held. If the data confirms a mediation (albeit unsuccessfully) occurred, it necessarily confirms that the LEA participated.²⁰ Those LEAs will not be selected for targeted technical assistance in the area of mediation.

Finally, CDE analyzes the data to identify those cases in which the data indicates the parties' willingness to mediate. Data showing that a mediation session was scheduled (though not necessarily held) could indicate an LEA's willingness to mediate. A mediation session is not scheduled unless both parties submit a jointly agreed-upon date to OAH.²¹ Thus, if a mediation session is scheduled in a particular case, it is reasonable to infer that the LEA had the willingness to participate in mediation, notwithstanding the fact that the data does not identify the reason(s) why mediation did not occur.²² If CDE is able to confirm that the LEA showed a willingness to mediate in a given case, that LEA would not be selected for targeted technical assistance in the area of mediation because the data does not suggest the LEA has a policy or practice of refusing mediation.

Of the 52 LEAs in FY 2018-2019 that had disputes resolved through a due process hearing and written decision, 37 LEAs would be selected for targeted technical assistance in the area of mediation after applying this filter only (and all of its components) absent mitigating data.

Filter 3: Identify LEAs that were named in a student-filed "mediation only" request where there is no data confirming mediation was held.

CDE is able to identify when parents of students with disabilities file a "mediation only" request with the OAH. In such case, when mediation does not occur, and the OAH identifies the reason for case closure as a party "declined to participate," it is reasonable to infer that the LEA, and not the parents who requested the mediation, declined to participate in the mediation. In these cases, the LEA will be selected for targeted technical assistance in the area of mediation, absent mitigating data. In FY 2018-2019, 16 LEAs were named in a student-filed "mediation only" request where there is no data confirming that mediation was held and OAH identified the reason for closure as a party "declined to participate."

Filter 4: Identify LEAs that filed a request for "mediation only" with the OAH.

²⁰ Because mediation is voluntary, a mediation session is not held unless both parties agree to participate.

²¹ Per OAH procedures, parties must jointly request a mediation and propose an agreed-upon date before OAH will schedule a mediation.

²² The available data only shows when a mediation session is scheduled and whether or not the mediation session actually took place.

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To create a balanced and more complete assessment of LEA mediation practices, CDE will analyze the data to isolate those LEAs that filed a request for “mediation only” with OAH. CDE believes such LEAs are demonstrating use of informal dispute resolution processes as Congress desired. As such, CDE will use instances of an LEA initiating the mediation process as a mitigating factor when selecting LEAs for targeted technical assistance in this area. If, after applying filters 1 through 3 and arriving at a list of LEAs to be selected for technical assistance in this area, the data indicates an LEA on that list has filed a request for “mediation only” in the same year, CDE will not select that LEA for targeted technical assistance in the area of mediation. In FY 2018-2019, 56 LEAs filed a request for “mediation only” with the OAH.

Each year, CDE will analyze available data using these four filters to arrive at an unduplicated list of LEAs that will be selected for targeted technical assistance in the area of mediation. As a way to gauge scope and impact, when the four filters are applied to due process and mediation data for FY 2018-2019 in the manner described, 42 LEAs would be selected for targeted technical assistance.

If the Court agrees that the foregoing proposed methodology is adequate to address the Court's concerns with respect to CDE's use of mediation data, CDE will begin selecting LEAs for technical assistance in this area in the 2020-2021 monitoring year. CDE anticipates working with the SELPAs to support member LEAs identified for targeted technical assistance in this area to increase use of mediation and systemically encourage mediation. Most SELPAs receive grant funds for alternative dispute resolution to develop and test local procedures, materials, and training to support alternative dispute resolution in special education. As such, SELPAs are poised to be meaningful partners in supporting LEAs' knowledge and skill relating to non-adversarial dispute resolution, including mediation.

B. Areas that Need More Rigorous Targets

1. State Performance Plan Indicator Targets

At the August 28, 2019 Case Management Conference (8/28/19 CMC), CDE provided an update to the Court on the revisions to the SPP Targets, the timeline by which it anticipated that new measurable and rigorous targets would be developed in collaboration with Stakeholders pursuant to guidance from OSEP.²³ At the 8/28/19 CMC, CDE indicated that new targets would be submitted to OSEP by February 1, 2020. At that time, CDE anticipated that new targets would go into effect for data collected in the six-year cycle beginning in Federal Fiscal Year (FFY) 2019 (2019-2020) and continuing through FFY 2024 (2024-2025).

²³ See 71 Fed. Reg. 46731, available at <https://www.govinfo.gov/app/details/FR-2006-08-14/06-6656>.

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CDE convened an SPP Stakeholder group in July 2019 for a series of in-person and virtual meetings in August 2019 and September 2019 to assist CDE in setting the new targets.²⁴ Members of the Stakeholder group included educators, parents, school administrators, policy advisors, school psychologists, Family Empowerment Center staff, early education advisors, advocacy groups, Plaintiffs' counsel in this case, and state advisory board members.²⁵

Kristin Wright, Director, and Shiyloh Duncan-Becerril, Part B Data Administrator, facilitated all the meetings, which focused on ten performance indicators for which CDE must set targets. The remaining indicators under the SPP are compliance indicators for which targets are set by the OSEP. CDE provided detailed presentations to educate the Stakeholders to assist in making informed recommendations. The presentations showed how each indicator is defined, measured, and calculated. Participants reviewed statewide results over the last five years and how California compares to similar states. Data forecasting was included. Illustrative materials presented at the August 26, 2019 meeting are included in **Attachment 4** hereto.

In October 2019,²⁶ OSEP informed states that it would not be implementing a new six-year cycle in FFY 2019, but rather would publish directives to states for a new six-year cycle beginning in FFY 2020 through FFY 2025. For FFY 2019, OSEP directed states to create extension targets and submit them to OSEP on February 1, 2020, the date OSEP previously set to receive new targets for the next six-year cycle. Extension targets require LEAs to continue to make improvements in outcomes for students with disabilities along the same trajectory of the current State Performance Plan.

At the time of the OSEP announcement, CDE had already conducted five stakeholder meetings.²⁷ After the OSEP announcement, CDE convened a follow up meeting with Stakeholders on December 5, 2019, and reviewed the change in timeline and the proposed FFY 2019 extension targets for feedback prior to CDE's submission of the extension targets to SBE for the scheduled January 8 and 9, 2020 SBE meeting. Stakeholders were generally supportive of the proposed extension targets and did not express any concerns with the extension targets, and CDE submitted the extension targets to SBE for approval in January 2020, as set forth in **Attachment 7** hereto

²⁴ CDE sent SPP Stakeholders invitation letters to participate on July 2, 2019, as reflected in **Attachment 2** hereto.

²⁵ The SPP Stakeholder member list and their professional organization affiliation is reflected in **Attachment 3** hereto.

²⁶ October 10, 2019 National TA Call, *available at* <https://www.youtube.com/watch?v=2NPluCzSozc&feature=youtu.be>, at 3:14. See also **Attachment 5** hereto.

²⁷ The timeline presented during the SPP Stakeholder Workgroup Meeting is set forth in **Attachment 6** hereto.

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Additionally, CDE provided Stakeholders the proposed targets for the six-year cycle beginning in FFY 2020 for the Stakeholders' continued feedback to CDE.

Given OSEP's amended timeline and direction to use extension targets for another monitoring year, the State cannot adopt new SPP targets for the next six-year cycle until the 2021-2022 monitoring year, and the State anticipates SBE will not be in a position to approve the new targets prior to the end of 2020. Nevertheless, CDE will continue to engage with Stakeholders, and will seek final approval from both the Advisory Commission on Special Education and SBE.

Accordingly, CDE anticipates that it will not be in a position to publicly release proposed targets in advance of the June 2020 further Phase 2 Hearings. In light of this development, CDE respectfully requests that the Court reschedule the telephonic CMC set for April 22, 2020 to a date in February 2020 to allow the Court and the parties to determine how best to address that issue in advance of the remaining submission schedule for the Monitor and the parties and in connection with the June 2020 further Phase 2 Hearings.

2. Targeted Monitoring Activities

a. Compliance Indicators

CDE monitors an LEA's performance on compliance indicators to ensure timeliness. CDE selects those LEAs that do not meet the timeliness indicators for targeted monitoring.²⁸

b. Performance Indicators

During the initial Phase 2 inquiry, CDE presented the selection methodology for the previously named "Performance Indicator Review," which is a targeted monitoring activity that uses both SPP and Dashboard indicators to evaluate an LEA. The Court determined that the SPP targets were not adequate for CDE's use in selection for further monitoring activities. (Dkt. 2520, p. 18.) For the 2019-2020 monitoring year, CDE will continue to use the same targeted monitoring selection methodology of selection described in previous submissions, with the expectation that the targets for the next six-year cycle will become more ambitious and address the Court's concerns. Additionally, CDE will continue to use the Dashboard indicators for areas of overlap (e.g., graduation rate, assessment proficiency, and suspension rate) and identify LEAs scoring a "Red" or "Orange" color in the California School Dashboard, as described Section II.B.3 above. Finally, beginning in the 2019-2020 monitoring year, CDE will apply the small LEA aggregation methodology set forth in Section III.A.1 above.

²⁸ The Court deemed CDE's current selection methodology for timeliness—which, as described above, now includes a metric of timeliness in convening resolution sessions—in compliance with federal law. (Dkt. 2520, pp. 18 & 31.)

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CDE is collecting school year 2019-2020²⁹ data on restraint and seclusion³⁰ from LEAs and anticipates using that data for monitoring LEAs beginning in the 2020-2021 monitoring year. CDE will provide data calculations and selection methodology to the Court in subsequent phases of these proceedings.

ii. Child Find

The 7/5/19 Order deemed CDE out of compliance with respect to Child Find selection, concluding that CDE's Child Find cutoffs were insufficient. (Dkt. 2520, pp. 16-17.) The Court stated that CDE "selected only those 38 districts (out of 1,296) with an identification rate³¹ below 3.6%." (*Id.*)

SPP Indicator 11 measures the percentage of students with disabilities who were evaluated within 60 days of receiving parental consent for initial evaluation. OSEP uses SPP Indicator 11 to measure Child Find. CDE monitors LEAs for this requirement under targeted monitoring. Any LEA that does not meet the OSEP-set target of 100% is selected for targeted monitoring. CDE added another data calculation to measure performance of LEAs in this area beginning in the 2018-2019 monitoring year.

To address the Court's concerns regarding the CDE's Child Find cutoff for selecting LEAs for further monitoring, CDE made two changes to its methodology. CDE grouped LEAs with small N-sizes as discussed in connection with its intensive monitoring activities. CDE will use the same data calculation and plotting of LEAs into a normative model as previously described. However, CDE now identifies LEAs below 1.5 standard deviations from the mean, rather than 2 standard deviations from the mean, and will select those LEAs that fall below the 7.23% rate of identification of students with disabilities.

c. Disproportionality

The Court deemed CDE's current selection methodology for LEAs for disproportionality targeted monitoring in compliance with federal law. (Dkt. 2520, pp. 18 & 31.) Accordingly, CDE has not made any changes to its selection methodology in this area.

C. Selection of LEAs for Intensive Monitoring**1. Intensive Monitoring, Ages 6 through 21*****Selecting the "Correct" LEAs***

²⁹ See CALPADS File Specifications Forms, v11.0, <https://www.cde.ca.gov/ds/sp/cl/systemdocs.asp>.

³⁰ Cal. Educ. Code § 49006.

³¹ The identification rate is the number of children identified as needing special education services divided by the total number of children served by the District.

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To address the Court's concerns, CDE has revised its model for selecting LEAs for intensive monitoring to focus on those factors most closely aligned with the provision of FAPE in the LRE. In addition to substantially paring down the number of indicators, CDE has also decided to stop using the previously described "1-4" scoring criteria, which took into account an LEA's current performance on an indicator as well as any improvement or slippage experienced by the LEA from the previous year. Instead, CDE will use a ranking system based on deciles for the LEA's current year data only. In connection with CDE's revised intensive monitoring model, LEAs would now be grouped into the bottom 10% of the state (given a score of 1) on an indicator, 11-20% (given a score of 2), 21-30% (given a score of 3), and so on. This methodology does not make each score dependent on the current target for that indicator, but instead yields scores based on the actual rates for each indicator relative to other LEAs in the State. Although the Court also identified concerns with the unambitious nature of targets, CDE is working to address setting targets for indicators. Nevertheless, CDE's revised methodology ensures that the lowest performing LEAs across metrics most closely aligned to FAPE in the LRE are selected for intensive monitoring regardless of the target.

The following sections will describe the different models that CDE created, the information considered during the policymaking process, and the decision points that led to CDE's new selection criteria for intensive monitoring.

Suggested Models 1 and 2

CDE began the data analysis by examining the implementation of the small N-size aggregation methodology described above, modeling both the county and SELPA methodologies. Models 1 and 2 focused on these measures: academic achievement measured through performance on statewide assessments, placement in the least restrictive environment, and suspension rates, graduation rates, dropout rates and post-school outcomes.

CDE consulted its monitoring staff to determine if there were other indicators that might also enhance the methodology. The monitoring staff expressed the desire to determine if the addition of the compliance indicator measuring the 60-day timeline for completing assessments would better identify LEAs in need of intensive monitoring. Accordingly, this indicator was included in evaluating the potential models.

Figure 3 demonstrates how this process resulted in two models with three variations:

Figure 3

Model 1	Model 2
Small Methodology by County	Small Methodology by SELPA
Addition of Indicator 11 – 60 Day Timeline	Addition of Indicator 11 – 60 Day Timeline

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Model 1	Model 2
Small Methodology by County	Small Methodology by SELPA
<p>Variation 1, Selection including:</p> <ul style="list-style-type: none"> • <i>Proficiency rates in ELA and Math</i> • graduation rates • dropout rates • <i>percentage in a regular classroom greater than 80% of the day</i> • <i>percentage in a regular classroom less than 40% of the day</i> • <i>percentage in separate schools</i> • <i>suspension rates</i> • rate of post-secondary higher education • rate of post-secondary employment • rate of any post-secondary employment or education <p>Note: Greater weight given to italicized indicators.</p>	<p>Variation 1, Selection including:</p> <ul style="list-style-type: none"> • <i>Proficiency rates in ELA and Math</i> • graduation rates • dropout rates • <i>percentage in a regular classroom greater than 80% of the day</i> • <i>percentage in a regular classroom less than 40% of the day</i> • <i>percentage in separate schools</i> • <i>suspension rates</i> • rate of post-secondary higher education • rate of post-secondary employment • rate of any post-secondary employment or education <p>Note: Greater weight given to italicized indicators.</p>
<p>Variation 2, Selection including:</p> <ul style="list-style-type: none"> • Proficiency rates in ELA and Math • percentage in a regular classroom greater than 80% of the day • percentage in a regular classroom less than 40% of the day • percentage in separate schools • suspension rates <p>Note: No weighting on any indicator.</p>	<p>Variation 2, Selection including:</p> <ul style="list-style-type: none"> • Proficiency rates in ELA and Math; • percentage in a regular classroom greater than 80% of the day • percentage in a regular classroom less than 40% of the day • percentage in separate schools • suspension rates <p>Note: No weighting on any indicator.</p>
<p>Variation 3, Selection including:</p> <ul style="list-style-type: none"> • <i>Proficiency rates in ELA and Math</i> • graduation rates • dropout rates • <i>percentage in a regular classroom greater than 80% of the day</i> • <i>percentage in a regular classroom less than 40% of the day</i> • <i>percentage in separate schools</i> • <i>suspension rates</i> • rate of post-secondary higher education • rate of post-secondary employment 	<p>Variation 3: Selection including:</p> <ul style="list-style-type: none"> • <i>Proficiency rates in ELA and Math</i> • graduation rates • dropout rates • <i>percentage in a regular classroom greater than 80% of the day</i> • <i>percentage in a regular classroom less than 40% of the day</i> • <i>percentage in separate schools</i> • <i>suspension rates</i> • rate of post-secondary higher education • rate of post-secondary employment

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Model 1	Model 2
Small Methodology by County	Small Methodology by SELPA
<ul style="list-style-type: none"> rate of any post-secondary employment or education percentage of student meeting the 60 day timeline <p>Note: Greater weight given to italicized indicators.</p>	<ul style="list-style-type: none"> rate of any post-secondary employment or education percentage of student meeting the 60 day timeline <p>Note: Greater weight given to italicized indicators.</p>
Final percentage score based on the total possible points.	Final percentage score based on the total possible points.

After reviewing the results based on using the three different variations among the two grouping models, CDE decided to use Model 1, Variation 2 (six indicators, no weighting). CDE decided not to include graduation, dropout and post-school outcomes because these indicators would result in some LEAs being chosen for more indicators than others due to the type of LEA, as certain indicators do not apply to elementary school districts. To adequately identify the poorest performing LEAs in the state, CDE believed that the number of criteria should be same across all LEAs. Additionally, CDE ultimately decided not to use the 60-day timeline indicator for several reasons. First, the current rate of compliance in the state for completion of assessments within 60 days was 96.2%, meaning that a majority of LEAs met the timeline annually. Relatedly, this metric is already captured in CDE's targeted monitoring methodology. Finally, CDE had a concern that including this indicator would artificially inflate the overall score, because so many LEAs score 100% on this indicator.

Suggested Model 3

CDE made some observations and improvements regarding the outcomes of Model 1, Variation 2. First, for the reasons discussed above, CDE decided to group small³² Charter LEAs by their SELPA, while other small LEAs would be grouped by county. Additionally, the model was based on six indicators that can be put into three categories:

- Academic Achievement (two indicators): Proficiency on Math and English Language Arts assessment
- Climate (one indicator): Rate of Suspension
- Placement: (three indicators):
 - Percentage in a regular classroom greater than 80% of the day
 - Percentage in a regular classroom less than 40% of the day
 - Percentage in separate schools

³² An LEA is considered "small" for the purposes of selection if it has 100 or fewer students with disabilities.

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CDE was concerned that the categories overly-weighted the placement indicators, and did not give enough weight to discipline. CDE decided to drop the “percentage in a regular classroom less than 40% of the day” indicator for two reasons. First, it made the categories more equal with respect to their influence on the total percentage. Second, CDE wants to encourage increased access to general education classrooms for students with disabilities, instead of focusing on having fewer students in special day classes. The final change in the model was to double-weight the suspension category, ensuring that each category would have equal weight in the final selection score.

Suggested Model 4

In the next iteration, CDE observed that although suspension was a quality measure, it could be bolstered by measuring attendance. In other words, even if a student has not been suspended, those students who are not engaged in school or do not feel supported might nevertheless stop attending. Those students would not be captured in suspension data. Measuring attendance, then, would better identify LEAs in which students with disabilities are not meaningfully engaged. Thus, CDE added the percentage of students who are chronically absent³³ to the methodology.

Upon reviewing the cut scores for quartile ranks, CDE had concerns that LEAs at the 5th percentile and the 24th percentile were assigned the same performance rank even though their scores were very different. To address this concern, CDE decided to assign rank scores based on deciles instead of quartiles.

Final Model

Based on consideration of the four proposed models, input from stakeholder meetings, and after running the models to determine the number of LEAs that would be selected by each proposed model, CDE proposes using following final model, shown in **Figure 4**, below, for its intensive monitoring of students with disabilities ages 6 through 21. This model includes six indicators in three categories that measure the implementation of FAPE in the LRE for students with disabilities ages 6 through 21.³⁴

Figure 4

Category	Indicator
Academic Achievement	<ul style="list-style-type: none"> Proficiency Rate in English Language Arts

³³ Students are considered chronically absent if they are absent at least 10% of the instructional days that they were enrolled to attend in a school. (Cal. Educ. Code § 60901(c)(1).)

³⁴ The calculation for each indicator used for intensive monitoring, ages 6 through 21, is shown in **Attachment 8**, hereto.

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Category	Indicator
	<ul style="list-style-type: none"> Proficiency Rate in Math
Educational Climate	<ul style="list-style-type: none"> Rate of Suspension Rate of Chronic Absenteeism
Least Restrictive Environment	<ul style="list-style-type: none"> Rate of Students in a Regular Class Greater than 80% of the day Rate of Students in Separate Schools and Placements

Ranking Performance

CDE groups all LEAs using the small N-size aggregation methodology and then the calculation for each indicator is applied as part of CDE's selection of LEAs for intensive monitoring. LEA and small LEA group performance are assigned a rank for each indicator, separating LEA and small LEA groups by deciles. The bottom 10% of LEAs and small LEA groups scoring poorly are given a rank of 1, the next 10% are given a rank of 2, and so on. As an example, **Figure 5** shows the ranking of an LEA or small LEA group performance scores for the rate of students ages 6 through 21 who receive a majority of their education in a regular classroom:

Figure 5

Decile	Rank	Rate of Students in a Regular Class Greater than 80% of the day	
		Min Score	Max Score
≤ 10	1	2.96296%	42.65010%
11-20	2	42.73466%	48.38710%
21-30	3	48.46715%	53.03738%
31-40	4	53.03983%	56.51984%
41-50	5	56.52174%	60.12317%
51-60	6	60.25961%	64.43299%
61-70	7	64.46629%	68.70504%
71-80	8	68.90756%	76.58228%
81-90	9	76.60256%	90.62500%
91-100	10	90.72165%	100.00000%

An LEA and small LEA group rankings for each indicator are treated as scores. Each indicator ranking is added together and divided by the total possible score (60). Due to

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the indicators CDE selected and the aggregation of small LEAs, nearly all LEAs and small LEA groups had a valid score.³⁵

Figure 6 illustrates the scoring methodology using one LEA as an example:

Figure 6

Category	Indicator	LEA Score	LEA Rank
Academic Achievement	Proficiency Rate in English Language Arts	22.67%	8
	Proficiency Rate in Math	17.33%	8
Educational Climate	Rate of Suspension	4.44%	7
	Rate of Chronic Absenteeism	8.48%	9
Least Restrictive Environment	Rate of Students in a Regular Class Greater than 80% of the day	68.14%	7
	Rate of Students in Separate Schools and Placements	0.44%	8
Sum of Ranking			47
Number of Valid Indicators			6
Total Possible (Number of Valid Indicators multiplied by 10)			60
Percent (Sum of Ranking divided by Total Possible)			78.33%

CDE believes that this final model identifies the LEAs with the poorest performance for students with disabilities, ages 6 through 21, when measuring across the indicators most closely aligned with FAPE in the LRE, and addresses the Court's concerns as set forth in the 7/5/19 Order.

Selecting Enough LEAs for Intensive Monitoring, Ages 6 through 21

CDE sought to set an appropriate cutoff to select LEAs for this intensive level of review. Last year, CDE identified 29 LEAs for intensive monitoring. Going forward, CDE has determined that no fewer than 10% of the LEAs in the state should be identified for any type of Level 3 intensive monitoring.

In the final small grouping model there were 728 LEAs and small LEA groups. Ranking the percentage (sum of ranking divided by total possible) from worst to best in a list, CDE identified the bottom 10% of these LEAs and grouped LEAs. The 73rd record from the list scored 30.00%. Because an additional 10 LEAs also scored 30.00%, CDE decided to include these LEAs in the identification of LEAs for intensive monitoring.

³⁵ A valid score means that LEAs and small LEA groups have requisite data and scores for each of the six indicators, i.e., that the indicators apply to each LEA, rather than excluding certain LEAs, like elementary schools. Five of 728 LEAs or small LEA groups did not have data for one or more indicators.

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Accordingly, as shown in **Figure 7** below, CDE identified a total of 83 LEAs and small LEA groups for intensive monitoring for ages 6 through 21 for the 2019-2020 monitoring year:

Figure 7

Type	Count
Small Grouping	1
County Office of Education	1
Elementary School District	10
High School District	23
Unified School District	48
Total	83

Disaggregation of Small LEA Groups

CDE's methodology resulted in the identification of one small LEA group for intensive monitoring for ages 6 through 21. The small LEA group, consisting of two LEAs and a total of 44 students with disabilities ages 6 through 21, scored 30.00% across the six indicators. **Figure 8** below, illustrates the small LEA group's performance:

Figure 8

Category	Indicator	Small LEA Group Score	Small LEA Group Rank
Academic Achievement	Proficiency Rate in English Language Arts	11.43%	4
	Proficiency Rate in Math	8.70%	5
Educational Climate	Rate of Suspension	6.22%	5
	Rate of Chronic Absenteeism	28.11%	2
Least Restrictive Environment	Rate of Students in a Regular Class Greater than 80% of the day	9.09%	1
	Rate of Students in Separate Schools and Placements	18.18%	1
Sum of Ranking			18
Number of Valid Indicators			6
Total Possible (Number of Valid Indicators multiplied by 10)			60
Percent (Sum of Ranking divided by Total Possible)			30.00%

When a small LEA group is identified for monitoring, CDE analyzes the individual LEAs' performance on indicators. CDE's ultimate selection of an individual LEA for monitoring is based on poor performance. An individual LEA in a small LEA group is therefore

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identified for intensive monitoring for ages 6 through 21 if any of the following criteria are satisfied:

- **No** students proficient in English Language Arts assessments
- **No** students proficient in Math assessments
- **No** students in regular class 80% or more
- **Any** student in separate schools and placements
- **Any** student suspended
- **Any** student identified as chronically absent

Both of the individual LEAs met the criteria for selection for intensive monitoring for ages 6 through 21.

Figure 9 below illustrates the data for the particular LEA within the small LEA group that CDE ultimately selected for intensive monitoring for ages 6 through 21.

Figure 9

Category	Indicator	Small LEA Group Score	Small LEA Group Rank	Count of Students with Disabilities (SWD)
Academic Achievement	Proficiency Rate in English Language Arts	11.43%	4	8
	Proficiency Rate in Math	8.70%	5	5
Educational Climate	Rate of Suspension	6.22%	5	12
	Rate of Chronic Absenteeism	28.11%	2	52
Least Restrictive Environment	Rate of Students in a Regular Class Greater than 80% of the day	9.09%	1	3
	Rate of Students in Separate Schools and Placements	18.18%	1	8

As illustrated in **Figure 9**, this particular LEA contributed to the poor performance of its grouping. This LEA suspended 12 students, has 52 students identified as chronically absent, and serves eight students in separate schools or placements.

Figure 10 illustrates the performance of the other LEA assessed within this small LEA group. CDE decided to select for intensive monitoring as well.

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Category	Indicator	Small LEA Group Score	Small LEA Group Rank	Count of SWD
Academic Achievement	Proficiency Rate in English Language Arts	11.43%	4	0
	Proficiency Rate in Math	8.70%	5	1
Educational Climate	Rate of Suspension	6.22%	5	0
	Rate of Chronic Absenteeism	28.11%	2	0
Least Restrictive Environment	Rate of Students in a Regular Class Greater than 80% of the day	9.09%	1	1
	Rate of Students in Separate Schools and Placements	18.18%	1	0

Compared to the small LEA in **Figure 9**, **Figure 10** shows that this small LEA did not contribute to the group's overall poor performance in educational climate or LRE. In contrast to the small LEA in **Figure 9**, the small LEA in **Figure 10** suspended no students with disabilities, did not have any student with disability identified as chronically absent, or contribute to the group's poor performance in the LRE indicator: the student in this LEA was served in the regular classroom with their non-disabled peers. However, this LEA did not have any student proficient in English Language Arts. Accordingly, this LEA met CDE's selection criteria for intensive monitoring.

In total, the number of students with disabilities served by the LEAs selected for intensive monitoring for ages 6 through 21 is 110,517 or approximately 16% of the students with disabilities, ages 6 through 21 in California.³⁶ **Figure 11** illustrates that breakdown:

Figure 11

Type	LEA Count	SWD Count
LEAs in a Small Grouping	2	44
County Office of Education	1	405
Elementary School District	10	8,573
High School District	23	29,237
Unified School District	48	72,258
Total	84	110,517

³⁶ There were 2,247 LEAs in California during the 2018-2019 school year, serving 702,413 students with disabilities, ages 6 through 21.

Emma C. v. Thurmond et al.; Case No. 96-cv-04179-VC**STATE DEFENDANTS' FURTHER PHASE 2 COMPLIANCE REPORT****2. Intensive Monitoring, Ages 3 through 5**

CDE examined the methodology and criteria for selection of LEAs for an intensive monitoring activity to identify the worst performing LEAs for preschool-age children with disabilities in the areas most closely aligned with FAPE in the LRE. Some preschool indicators are also part of the selection criteria for targeted monitoring activities, so this intensive activity is not the only manner in which the State monitors LEAs serving preschool-age children with disabilities.

Similar to the revised intensive monitoring selection criteria for ages 6 through 21, CDE conducted an iterative process that included a number of models, review and updates to the selection based on analysis of each model, to address the Court's concerns in the 7/5/19 Order.

The risk assessment that CDE had previously proposed using examined a number of indicators that assigned a risk (or score) of 1 or 0 based on whether the LEAs met the target. This risk assessment did not consider the severity or distance from the standard. After conducting a process on the intensive monitoring aged 6 through 21 selection that divided LEAs into deciles based on actual performance scores, CDE decided to implement the same methodology for the preschool-age selection. CDE would make the selection of LEAs based on actual scores, and remove the use of the SPP targets altogether, again with the goal that the lowest performing LEAs would receive the lowest score on the indicators within the selection model.

Final Model

At the end of the modeling process, CDE determined that the final model would be similar to the intensive monitoring for ages 6 through 21 and would include three categories that include assessment,³⁷ discipline and placement, illustrated in **Figure 12**.

³⁷ The term "academic achievement" is not used for this activity. LEAs are scored based on the Desired Results Developmental Profile, which measures outcomes for children ages 3 through 5 in three areas: positive social-emotional skills, acquisition and use of knowledge, and skills and use of appropriate behaviors.

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Category	Indicator
Assessment	<ul style="list-style-type: none"> • Average Rate of Child Outcomes
Discipline	<ul style="list-style-type: none"> • Rates of Suspension and Expulsion
Least Restrictive Environment	<ul style="list-style-type: none"> • Rate of Students ages 3-5 who receive a majority of Special Education in a regular preschool classroom • Rate of Students ages 3-5 who receive a majority of special education and related services in Separate Schools and Placements

Due to the more limited number of preschool indicators and the fewer number of LEAs serving preschool-aged children with disabilities, CDE decided to include all preschool assessment indicators and average them to ensure no single indicator unduly influenced an LEA's final score. CDE believes that Preschool LRE should be a major component in selection for intensive monitoring, and includes two indicators for LRE in its model. CDE believes children with disabilities with early access to general education will have better lifetime educational and functional outcomes.

Ranking of LEA Performance and Identification for Intensive Monitoring, Ages 3 through 5

CDE applies a small LEA aggregation methodology and the same ranking methodology used in the 6 through 21 intensive monitoring selection. For each indicator, the poorest performing 10% are given a score of 1, the next 10% are given a score of 2, and so on.

Figure 13 illustrates the ranking of scores for the rate of children ages 3 through 5 who receive a majority of their education in a regular preschool classroom.

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Decile	Rank	Rate of Students ages 3-5 who receive a majority of Special Education in a regular preschool classroom	
		Min	Max
≤ 10	1	2.03252%	22.44898%
11-20	2	22.64151%	31.66667%
21-30	3	31.72414%	38.75000%
31-40	4	38.97059%	47.58065%
41-50	5	47.64890%	53.57143%
51-60	6	53.78671%	59.16667%
61-70	7	59.18033%	65.90164%
71-80	8	66.36364%	74.60317%
81-90	9	75.34247%	85.57692%
91-100	10	86.26943%	97.22222%

LEA and the small LEA group scores are then added together and divided by the total possible score. CDE determined this intensive level of review should include approximately 10% of the LEAs. In the final model, there were 279 LEAs and small LEA groups, resulting in 28 LEAs selected for review (10% of 279). The 28th LEA scored 32.50% using the decile ranking methodology on all indicators. There is one additional LEA that scored 32.50%.

As shown in **Figure 14**, CDE's methodology resulted in it identifying a total of 29 LEAs and small LEA group for intensive monitoring for ages 3 through 5 for the 2019-2020 monitoring year.

Figure 14

Type	Count
Small Grouping	1
Elementary School District	11
Unified School District	17
Total	29

Disaggregation of Small LEA Groups

Like intensive monitoring for ages 6 through 21, one small LEA group met the criteria for selection for intensive monitoring, preschool age. The small LEA group, consisting of 39 LEAs and 995 total children with disabilities ages 3 through 5, scored 29.58% across the four indicators. **Figure 15** illustrates the small LEA group's performance as follows:

Emma C. v. Thurmond et al.; Case No. 96-cv-04179-VC**STATE DEFENDANTS' FURTHER PHASE 2 COMPLIANCE REPORT****Figure 15**

Category	Indicator	Small LEA Group Score	Small LEA Group Rank
Assessment	Average Rate of Student Outcomes	69.55%	2.83
Discipline	Rates of Suspension	0.49%	3
Least Restrictive Environment	Rate of Students ages 3-5 who receive a majority of special education in a regular preschool classroom	37.29%	3
	Rate of Students ages 3-5 who receive a majority of special education and related services in separate schools and placements	42.81%	3
Sum of Ranking			11.83
Number of Valid Indicators			4
Total Possible (Number of Valid Indicators multiplied by 10)			40
Percent (Sum of Ranking divided by Total Possible)			29.58%

CDE analyzes each of the 39 LEAs' performance included under the small LEA group. CDE's ultimate selection of an individual LEA for monitoring is based on poor performance. An individual LEA is therefore identified for intensive monitoring for ages 3 through 5 if any of the following criteria are satisfied:

- **Any** preschool age discipline
- **No** children in regular classroom
- **Any** children in preschool separate placements

For example, **Figure 16** illustrates the performance of an LEA assessed under a small LEA group and selected for intensive monitoring. **Figure 17** illustrates the performance of another LEA assessed under this small LEA group and not selected for monitoring.

Emma C. v. Thurmond et al.; Case No. 96-cv-04179-VC**STATE DEFENDANTS' FURTHER PHASE 2 COMPLIANCE REPORT****Figure 16**

Category	Indicator	Small LEA Group Score	Small LEA Group Rank	Count of Children with Disabilities (CWD)
Discipline	Rates of Suspension	0.49%	3	1
Least Restrictive Environment	Rate of Students ages 3-5 who receive a majority of Special Education in a regular preschool classroom	37.29%	3	8
	Rate of Students ages 3-5 who receive a majority of special education and related services in separate schools and placements	42.81%	3	21

This LEA's group was identified as one of the poorest performing LEAs for outcomes of children with disabilities ages 3 through 5 and this particular LEA contributed to the group's overall poor performance. This LEA disciplined one child ages 3 through 5 and placed eight children in separate schools or placements.

Figure 17

Category	Indicator	Grouped Small LEAs' Score	Grouped Small LEAs' Rank	Count of CWD
Discipline	Rates of Suspension	0.49%	3	0
Least Restrictive Environment	Rate of Students ages 3-5 who receive a majority of Special Education in a regular preschool classroom	37.29%	3	13
	Rate of Students ages 3-5 who receive a majority of special education and related services in separate schools and placements	42.81%	3	0

Compared to the small LEA in **Figure 16**, the small LEA in **Figure 17** did not contribute to the group's overall poor performance in discipline; it suspended no children with disabilities, nor did the LEA contribute to the group's poor performance in separate

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placement LRE indicator. Accordingly, CDE determined that this small LEA does not require intensive monitoring.

In total, 25 of the 39 LEAs grouped in this small LEA group are identified for intensive monitoring for ages 3 through 5. As shown in **Figure 18**, the number of children with disabilities served by the LEAs selected for intensive monitoring for ages 3 through 5 is 9,641 or about 11% of the children with disabilities in California.³⁸

Figure 18

Type	Count	CWD Count
LEAs in a Small Grouping	25	936
Elementary School District	11	2,147
Unified School District	17	6,558
Total	53	9,641

If CDE identifies an LEA for an intensive monitoring for both age groups (6 through 21 and 3 through 5), that LEA's monitoring plan will expand to include both age groups. LEAs not selected for intensive monitoring for the school-age group (6 through 21) will be identified for an intensive monitoring activity based solely on their performance for children with disabilities ages 3 through 5.

3. Significant Disproportionality

The Court found CDE compliant with respect to CDE's methodology for selecting LEAs for Intensive Monitoring - Significant Disproportionality. (Dkt. 2520, p. 32.)

On June 24, 2019, CDE held a meeting to with Stakeholders to discuss the use of reasonable progress, and to review and provide a set of recommended criteria to CDE for final approval by the State Superintendent of Public Instruction.³⁹

During the fall 2019, CDE followed up with Stakeholders to address the law's "flexibility" provision, which provides that a state is not required to identify an LEA as having a significant disproportionality based on race or ethnicity until the LEA (1) exceeds the risk ratio for a group and category for up to the three prior consecutive years and (2) exceeds the risk ratio and failed to demonstrate reasonable progress in lowering the risk

³⁸ There were 1,349 LEAs in California during the 2018-2019 school year, serving 86,456 children with disabilities, ages 3 through 5.

³⁹ Attached hereto as **Attachment 9** is the June 2019 Significant Disproportionality Stakeholder Group PowerPoint.

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ratio or alternate risk ratio for a group and category for the two prior consecutive years. (34 C.F.R. § 300.647.) At the meeting a number of options were presented for review.⁴⁰

Final Recommendations from the Stakeholder Group

The Stakeholders recommended that CDE implement a reasonable progress methodology of 0.5 risk ratio per year minimum over a three-year period. The reasonable progress would not apply to LEAs that have a risk ratio of greater than 5 at the end of 3 years. This method has been presented to and approved by the State Superintendent of Public Instruction. For the 2019-20 monitoring year, 137 LEAs were identified as Significantly Disproportionate, of those, three LEAs demonstrated reasonable progress as defined, and thus were not identified for further monitoring in this area, resulting in a total of 134 LEAs preliminarily identified for Intensive Monitoring in the area of Significant Disproportionality.

IV. IEP Implementation

In its Phase I Order relating to CDE's statewide data collection, the Court deemed CDE out of compliance with federal law as to data collection related to IEP implementation. (Dkt. 2428 at p. 2.)

CDE met with internal and external stakeholders to review options for collecting this data. Initially, CDE explored the option of collecting the number of services offered and provided (by service minute) for each student with a disability. CDE examined the current state of data collection of these elements in the field and found wide variance in the technical capabilities among LEAs. All LEAs collected this data in some manner, but not in a uniform format or reporting mechanism. For example, some LEAs collected services and service time electronically by student, and recorded that data in an electronic service record. Other LEAs recorded this data on paper service logs. Further, some LEAs used a combination of collection methods. To have a statewide system of collecting service minutes, CDE would need to design, provide training on and implement a uniform data collection statewide. This would be both costly and time intensive. The time to implement such a collection could exceed five years to ensure valid and reliable data.

CDE reviewed other methods by which states similar to California have collected this data, and found that other states that do not have a uniform statewide IEP system also do not collect data at the service minute level, nor do these states collect service minutes at all.

⁴⁰ Attached hereto as **Attachment 10** is the September 2019 Significant Disproportionality Stakeholder Group PowerPoint, including options for determining reasonable progress.

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During the Phase 1 proceedings, the Court Monitor cited the Ravenswood City Elementary School District's (District's) method for collecting this data as a proposal for statewide collection—the District reviews service delivery from a randomly selected sample of no less than 15% of all special education students enrolled in the District. Additionally, the District was required to report the number of sampled records and the number of those records for which 95% of IEP services included in the student's IEP were provided in accordance with the consented IEP, and the number of IEPs for which 95% of IEP services included in the student's IEP were not provided in accordance with the consented IEP.

As described in the joint case management statement dated August 21, 2019, CDE engaged in several conversations with Plaintiffs and the Court Monitor regarding an IEP implementation data collection proposal, and proposed using the Service Delivery Report used by Ravenswood City Elementary School District to address the Court's concerns in the 8/17/18 Order as to IEP implementation data collection. (Dkt. 2526.) Neither Plaintiffs nor the Monitor objected to CDE's proposed approach. Thus, CDE is considering the use of a statistically significant sample from each LEA annually, with CDE randomly selecting LEAs and students to ensure that the data LEAs report is valid and reliable for use in monitoring.

CDE will work with experts in statistical sampling to determine a sampling methodology for LEAs and design a form during this 2019-2020 school year. CDE intends to pilot the process of collection with a smaller selection of LEAs during the 2020-2021 school year and anticipates full implementation of the data collection for IEP implementation in the 2021-2022 school year for use in the 2022-2023 monitoring year.

V. Attachments

Attachment 1: Small LEA Aggregation Process Steps and SAS Code for Aggregation of SWD, ages 6 through 21

Attachment 2: July 2, 2019 CDE Invitation Letter to SPP Stakeholders

Attachment 3: SPP Stakeholder Member List

Attachment 4: August 26, 2019 Meeting Presentation Materials

Attachment 5: Excerpted Screenshots of October 10, 2019 OSEP National TA Call Slides

Attachment 6: Timeline presented to SPP Stakeholders

Attachment 7: CDE's Extension Targets Submitted to SBE for January 2020 Meeting

Attachment 8: Calculation Intensive Monitoring, ages 6 through 21 indicators

Attachment 9: June 2019 Significant Disproportionality Stakeholder Group PowerPoint

Attachment 10: September 2019 Significant Disproportionality Stakeholder Group PowerPoint

ATTACHMENT 1

Smalls Summary Methods for Data Year 2018-19, Monitoring Year 2019-20

Intensive Review (IR), Preschool Review (PRS) and Targeted Review use similar schemes.

1. Determine Smalls Using Special Education Census Data
 - a. From the December 2018 CASEMIS submission, select students who meet the age criteria and whose special education plan type is not “Pending”.
 - i. For IR age criteria is age greater than 5.
 - ii. For PRS age criteria is age equals 3, 4, or 5.
 - iii. For Targeted age criteria is age equal to or greater than 3.
 - b. Merge the data from Step 1a with a list of LEAs with SELPA information.
2. Add the data to be used for determination
 - a. Determine LEA Type by using the CDE’s Public Schools Database
 - b. Add LEA level raw data for the indicators needed
 - i. For IR determination data means LRE, Assessment, Discipline and Chronic Absenteeism.
 - ii. For PRS determination data means Preschool LRE, Preschool Assessment and Preschool Suspension.
 - iii. For Targeted determination data means Graduation, Dropout, Assessment, Discipline, School age LRE, Preschool LRE, Parent Involvement, Post school Outcomes.
 - c. Merge all of the data together with the results of Step 1.
3. Clean Up data for LEAs who have merged.
 - a. Merge Petaluma and Santa Rosa’s LRE and Assessment Data
 - b. Merge Petaluma and Santa Rosa’s Discipline data.
4. Sum smalls by Charter SELPA or County
 - a. Determine Smalls level (greater than or equal to 100 students in age criteria)
 - b. Give the Smalls new LEA code, LEA name and SELPA code for correct identification.
 - c. Sum the Smalls by the new LEA code.
 - d. Perform required calculations for analysis.
 - e. Output the final file.

```
LIBNAME IRS "M:\Comprehensive Review\2019-20\2019-20 CR Selection\CR
Ver9\Data";
```

```
/*1. OBTAIN SMALLS ONLY FROM FULL LISTING, ADD NOTATION*/
```

```
DATA IR_SMALL1;
```

```
SET IRS.THIRD;
```

```
LENGTH CR_NOTE $250;
```

```
CR_NOTE = CATX(" ", "Evaluated as part of", DS_NAME);
```

```
WHERE LEA_type="Smalls" AND DOA NOT IN ("7300000");
```

```
RUN;
```

```
/*2. CREATE NEW CALCULATED PCTS COLUMNS AND EVALUATE SELECTED SMALLS
(FOR 19-20 ONLY AMADOR COUNTY SMALLS - 0300000 WAS SELECTED)*/
```

```
DATA IR_SMALL2 (KEEP=DOA2 Name Type sl_code SELPA IR_ELA IR_MATH
```

```
IR_RC80 IR_SEP CR_NOTE IR_SUS IR_ABS
```

```
IR_ELA_TAG IR_MATH_TAG IR_RC80_TAG IR_SEP_TAG
```

```
IR_SUS_TAG IR_ABS_TAG CRCY DOA LEA_TYPE ds_name);
```

```
SET IR_SMALL1;
```

```
LENGTH CRCY $250 IR_ELA_TAG IR_MATH_TAG IR_RC80_TAG IR_SEP_TAG
```

```
IR_SUS_TAG IR_ABS_TAG $3;
```

```
FORMAT IR_ELA IR_MATH IR_RC80 IR_SEP IR_SUS IR_ABS PERCENT8.2;
```

```
IF COUNT = . THEN IR_RC80= .; ELSE IR_RC80=RC80/COUNT;
```

```
IF COUNT = . THEN IR_SEP = .; ELSE IR_SEP=SEP/COUNT;
```

```
IF PART_ELA=. THEN IR_ELA = .; ELSE
```

```
IR_ELA=ACHIEVE_ELA/PART_ELA;
```

```
IF PART_MATH = . THEN IR_MATH= .; ELSE
```

```
IR_MATH=ACHIEVE_MATH/PART_MATH;
```

```
IF CUM_ENROLL = . THEN IR_SUS= .; ELSE
```

```
IR_SUS=NUM_SUSPENDED/CUM_ENROLL;
```

```
IF DENOM_ABSENT= . THEN IR_ABS=.; ELSE
```

```
IR_ABS=NUM_ABSENT/DENOM_ABSENT;
```

```
IF DOA = "0300000" AND ACHIEVE_ELA<1 THEN IR_ELA_TAG="YES"; ELSE
```

```
IR_ELA_TAG="NO";
```

```
IF DOA = "0300000" AND ACHIEVE_MATH<1 THEN IR_MATH_TAG="YES"; ELSE
```

```
IR_MATH_TAG="NO";
```

```
IF DOA = "0300000" AND RC80<1 THEN IR_RC80_TAG="YES";
```

```
ELSE IR_RC80_TAG="NO";
```

```
IF DOA = "0300000" AND SEP>0 THEN IR_SEP_TAG="YES"; ELSE
```

```
IR_SEP_TAG="NO";
```

```
IF DOA = "0300000" AND NUM_SUSPENDED>0 THEN IR_SUS_TAG="YES"; ELSE
```

```
IR_SUS_TAG="NO";
```

```
IF DOA = "0300000" AND NUM_ABSENT>0 THEN IR_ABS_TAG="YES"; ELSE
```

```
IR_ABS_TAG="NO";
```

```
IF (IR_ELA_TAG="YES" OR IR_MATH_TAG="YES" OR IR_RC80_TAG="YES" OR
IR_SEP_TAG="YES" OR IR_SUS_TAG="YES" OR IR_ABS_TAG="YES")
```

```
THEN CRCY="REVIEW REQUIRED"; ELSE CRCY="NO REVIEW REQUIRED";
```

```
RUN;
```

```
PROC SORT DATA=IR_SMALL2; BY DOA; RUN;
```

```
/*3. MERGE IN SMALL LEA GROUP DATA TO EACH OF THE SMALL LEAS*/
LIBNAME IRS_BASE "M:\Comprehensive Review\2019-20\2019-20 CR
Selection\CR Ver9\Data";
```

```
DATA IRSA (KEEP=doa NAME LEA_type PCT_ELA PCT_MATH PCT_SUSPEND
PCT_ABSENT PCT_80 PCT_SS
RANK_ELA RANK_MATH RANK_SUSPENSION RANK_LRE80 RANK_LRESS
RANK_ABSENT SUM_VALID_DENOM PCT SUM_VALID);
SET IRS_BASE.OUTPUT_VER9;
WHERE LEA_type="Smalls";
RUN;
```

```
PROC SORT DATA=IRSA; BY DOA; RUN;
```

```
DATA IRSMALL_ALL;
MERGE IRSA IR_SMALL2;
BY DOA; RUN;
```

```
PROC SORT DATA=IRSMALL_ALL; BY DOA2; RUN;
```

```
/*4. CLEAN UP AND OUTPUT*/
LIBNAME IR_OUT "M:\Comprehensive Review\2019-20\2019-20 CR
Selection\CR Ver9\Smalls Disaggregation";
```

```
DATA IR_OUT.IR_OUT (DROP=DS_NAME LEA_TYPE DOA TYPE);
SET IRSMALL_ALL;
RUN;
```


ATTACHMENT 2



**CALIFORNIA DEPARTMENT
OF EDUCATION**

TONY THURMOND
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

July 2, 2019

Dear Colleague:

Individuals with Disabilities Act Part B State Performance Plan Indicator Targets

The Individuals with Disabilities Education Act (IDEA) requires that each state have in place an IDEA Part B State Performance Plan (SPP) that evaluates the state's efforts to implement the requirements and purposes of IDEA Part B, as well as describe how the state will improve such implementation. IDEA Section 616(b)(1)(C) requires that each state review its SPP at least once every six years.

The SPP is critical to improving educational results and functional outcomes for students with disabilities in California. To ensure that the children of California benefit from the expertise and perspectives of a wide range of individuals, I am inviting your organization to participate in upcoming SPP Workgroup stakeholder meetings. The goal of these meetings is to discuss and reestablish measurable and rigorous targets for each SPP indicator for federal fiscal years 2019 through 2024. For more information on California's State Performance Plan and Annual Performance Report, visit <https://www.cde.ca.gov/sp/se/qa/index.asp>, the Quality Assurance Process web page.

The SPP Workgroup will meet a total of five times between August and September 2019. These all-day meetings are expected to be held both virtually and in-person in Sacramento. The proposed meeting dates are:

Date
August 5, 2019
August 21, 2019
August 26, 2019
September 10, 2019
September 24, 2019

July 2, 2019

Page 2

Due to space constraints, it is requested that your organization only send one representative. Please respond by July 19, 2019, to indicate whether you and/or a designee will participate. To RSVP, please send an email to SPPWorkgroup@cde.ca.gov. Pursuant to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, please indicate if you require a reasonable accommodation to attend or participate in these meetings.

Thank you for considering contributing your time and expertise to this important work. If you have any questions regarding this subject, please contact Shiyloh Duncan-Becerril, Education Administrator, by phone at 916-445-4628 or by email at SPPWorkgroup@cde.ca.gov.

Sincerely,

Kristin Wright, Director
Special Education Division

KW:sb

ATTACHMENT 3

SPP Stakeholder List

Member Affiliation	Name	Last	First
Association of California School Administrators	Martha Alvarez	Alvarez	Martha
Parent advocate	Chris Baker	Baker	Chris
Supporting Inclusive Practices	Kristin Brooks	Brooks	Kristin
State Special Education Task Force	Maureen Burness	Burness	Maureen
Institute of Higher Education	Steve Carnevale	Carnevale	Steve
Special Education Local Program Area	Paulette Cobb	Cobb	Paulette
Family Resource and Empowerment Center	Ana Da Silva	Da Silva	Ana
Parent Teachers Association	Lea Darrah	Darrah	Lea
Psychologist	Giorgio di Salvatore	di Salvatore	Giorgio
Special Education Local Program Area	Heather DiFede	DiFede	Heather
State Board of Education	Laila Fahimuddin	Fahimuddin	Laila
Family Resource and Empowerment Center	Jane Floethe-Ford	Floethe-Ford	Jane
Institute of Higher Education	Kathy Futterman	Futterman	Kathy
Institute of Higher Education	Kathy Gee	Gee	Kathy
Institute of Higher Education	Audri Gomez	Gomez	Audri
Institute of Higher Education	Victoria Graf	Graf	Victoria
Disability Rights Advocate	Susan Henderson	Henderson	Susan
California School Boards Association	Erika Hoffman	Hoffman	Erika
Institute of Higher Education	Amina Humphrey	Humphrey	Amina
Disability Rights Advocate	William Koski	Koski	William
Special Education Administrators of County Offices	Andrea Lemos	Lemos	Andrea
California Association of School Psychologists	Brian Leung	Leung	Brian
California State Assembly	Tanya Lieberman	Lieberman	Tanya
Preschool	Steve Lohrer	Lohrer	Steve
California Association of Private Special Education Schools	Teresa Malekzadeh	Malekzadeh	Teresa
Decoding Dyslexia California	Tobie Meyer	Meyer	Tobie
Special Education Local Program Area	Deborah Montoya	Montoya	Deborah
Local Educational Agency	Diane Olsen	Olsen	Diane
Down Syndrome Information Alliance	Allison Olson	Olson	Allison
Disability Rights Advocate	Freya Pitts	Pitts	Freya
California Charter Schools Association	Gina Plate	Plate	Gina
Autism Business Association	Rick Rollens	Rollens	Rick
California Alliance of Child and Family Services	Christine Stoner-Mertz	Stoner-Mertz	Christine
Family Education Center	Cid Van Koersel	Van Koersel	Cid
Sac City Community Advisory Committee; Dyslexia Advocate	Renee Webster-Hawkins	Webster-Hawkins	Renee

ATTACHMENT 4



State Performance Plan and Annual Performance Report Workgroup

August 26, 2019

Kristin Wright, Director
Shiyloh Duncan-Becerril, Education Administrator
Nora Parella, Education Research Evaluation Assistant
Special Education Division

Welcome

- The presentation, agenda, and all other meeting materials will be available on a Padlet:
 - Use the link to the Padlet for materials for the workgroup:
<https://padlet.com/CDEspecialEd/SPPWorkgroup>
- Ideas and questions for the “Parking Lot”

Meeting Outcomes

Participants will:

- Gain a deeper understanding of Federal Performance Indicators (6) Preschool Least Restrictive Environment, (7) Preschool Outcomes, and (14) Post School Outcomes indicators including related data sources and calculation methods, and state and national comparisons;
- Review and discuss with other workgroup members considerations for current and future targets; and
- Provide input and advice for setting new statewide targets for Federal Performance Indicators.

Meeting Norms

Start and end on time.

Actively participate in the work.

Respect and welcome all points of view.

Support and encourage everyone's participation.

Be forthright, considerate, direct and purposeful.

Respectfully use technology.

Others

Welcome, Purpose, Norms and
Introductions

Introduction to first indicator –
Preschool Least Restrictive
Environment (6)

- Discussion/Share out

Lunch

Introduction to second indicator –
Preschool Outcomes(7)

- Discussion/Share out

Introduction to third indicator – Post
School Outcomes(14)

- Discussion/Share out

Closing, evaluation, next steps

Agenda

Introductions

Briefly state your:

- Name
- Location
- Role
- Who you represent

California Education Code, Section 33080, Purpose of the Educational System

“Each child is a unique person, with unique needs, and the purpose of the education system of this state is to enable each child to develop all of his or her own potential.”



Purpose of the Workgroup

To provide advice and feedback to the California Department of Education (CDE) in the development of new six-year state targets for the Individuals with Disabilities Education Act State Performance Plan (SPP) Indicators

Note: After stakeholder feedback is gathered, proposed targets will be presented at the Advisory Commission on Special Education followed by a required approval process at the State Board of Education prior to submission to the Office of Special Education Programs.

Indicator 6

Preschool Least Restrictive
Environment

Indicator 6: Early Childhood Settings

- Measures the percent of children with disabilities, ages three through five years, attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; as well as children with disabilities attending a separate special education class, separate school, or residential facility.
 - 6A: Receiving majority of special education and related services in a regular early childhood program.
 - 6B: Attending separate special education class, separate school, or residential facility.

Calculation

A. Percent = [(# of children with IEPs aged 3 through attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program)

divided by

the (total # of children aged 3 through 5 with IEPs)] times 100.

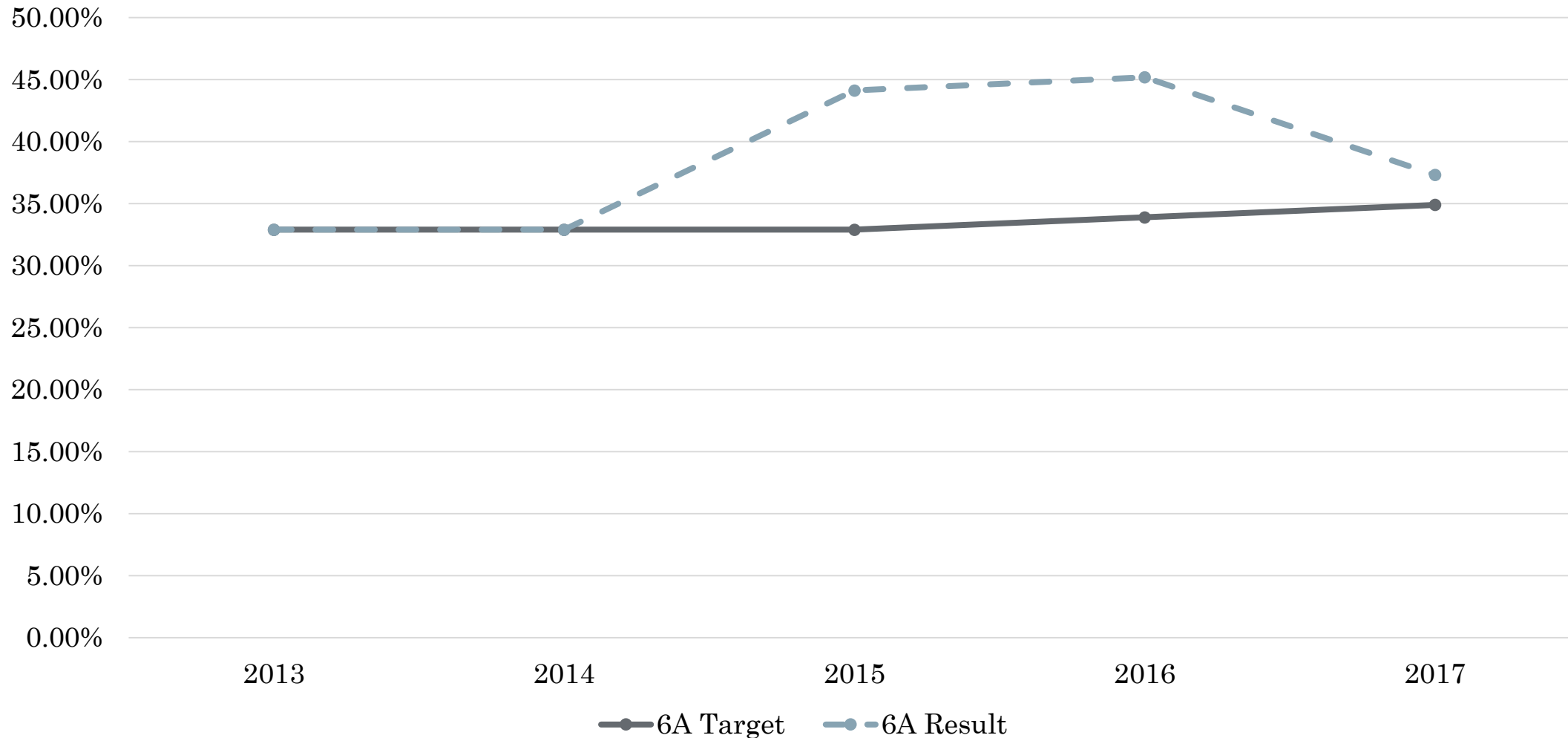
B. Percent = [(# of children with IEPs aged 3 through 5 attending a separate special education class, separate school or residential facility)

divided by

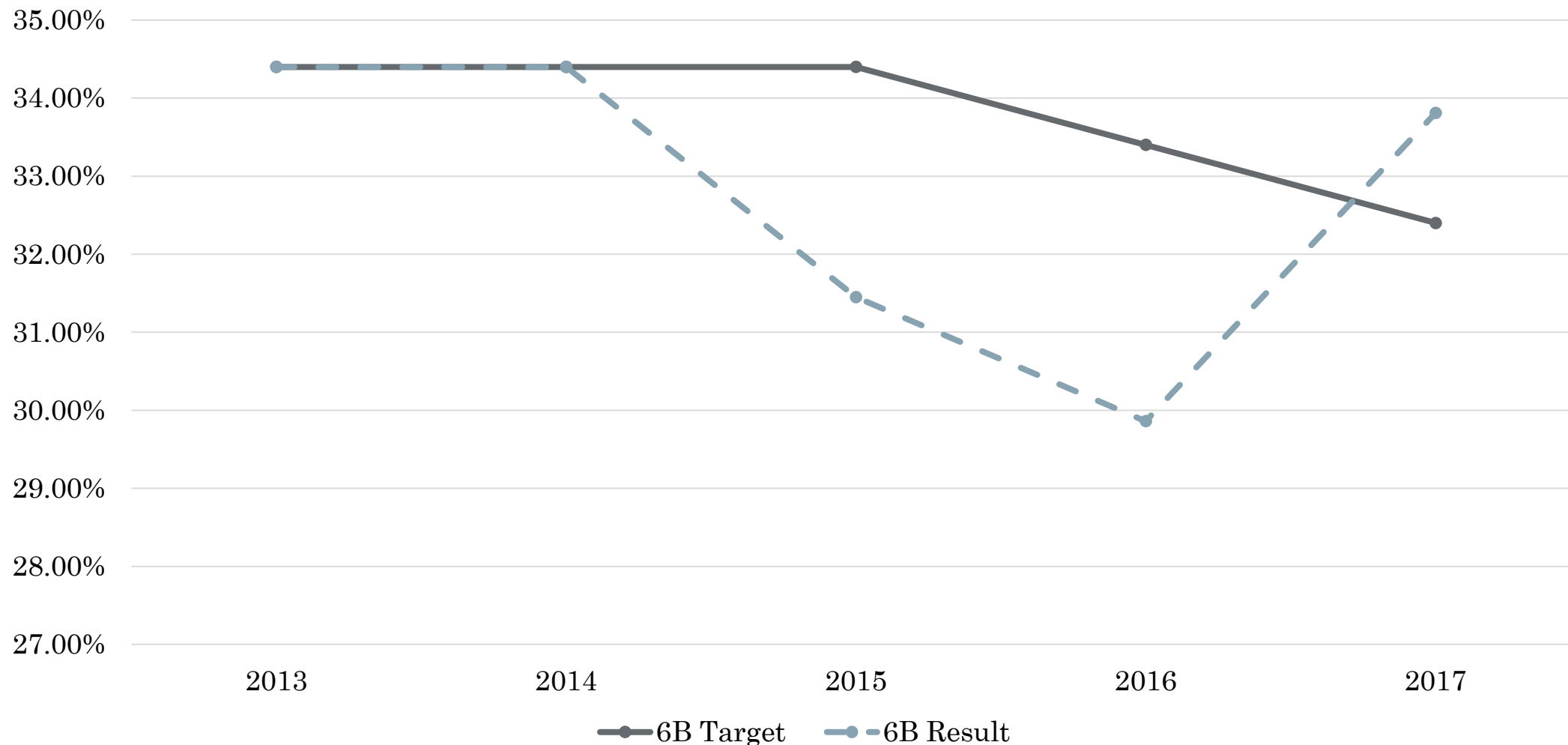
the (total # of children aged 3 through 5 with IEPs)] times 100.

Regular Preschool Setting – Indicator 6A

The Last 5 Years

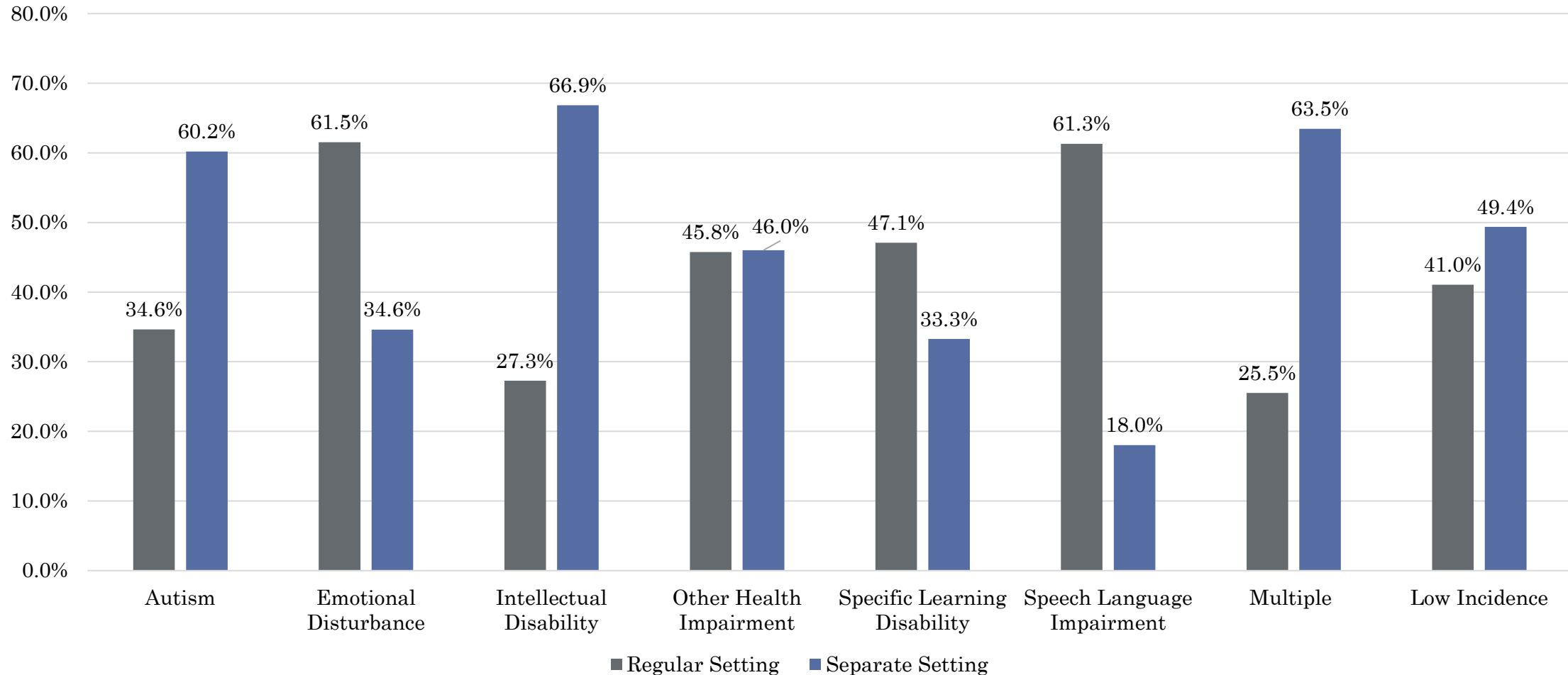


Separate Preschool Setting – Indicator 6B The Last 5 Years



Preschool LRE by Disability

Percent of Preschool Students by Disability and Federal Setting Category

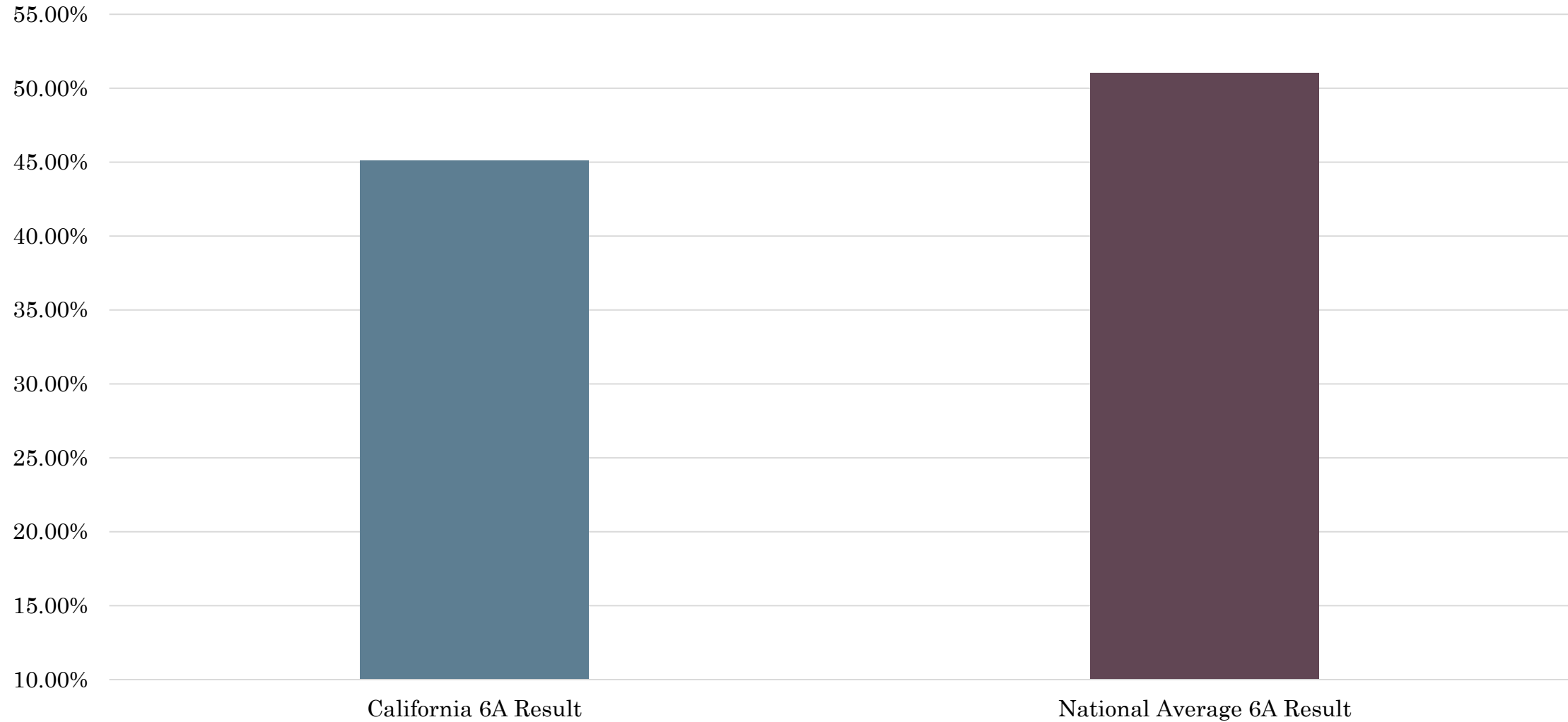


Regular Preschool Setting – Indicator 6A

Statewide Results for Students with Disabilities

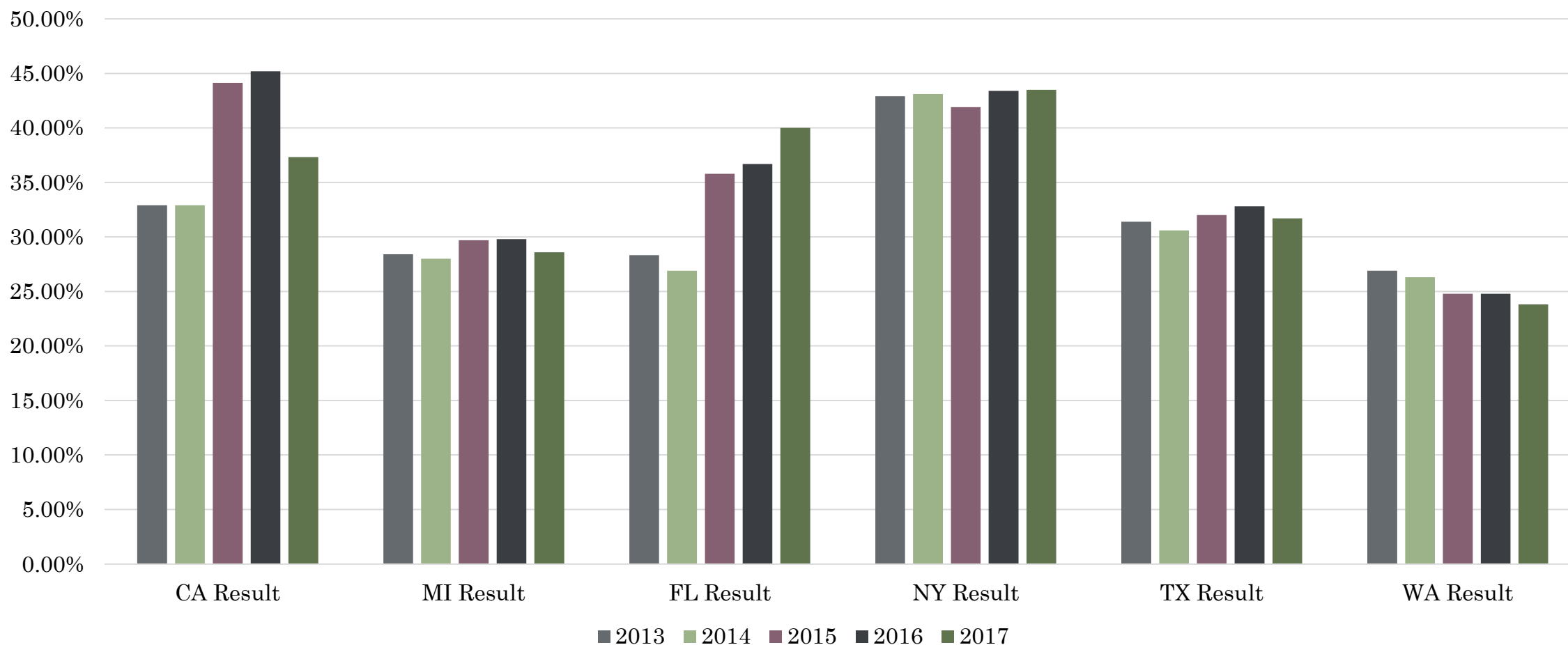
California & National Trends for Indicator 6A Students with Disabilities (SWD)

Federal Fiscal Year 2016



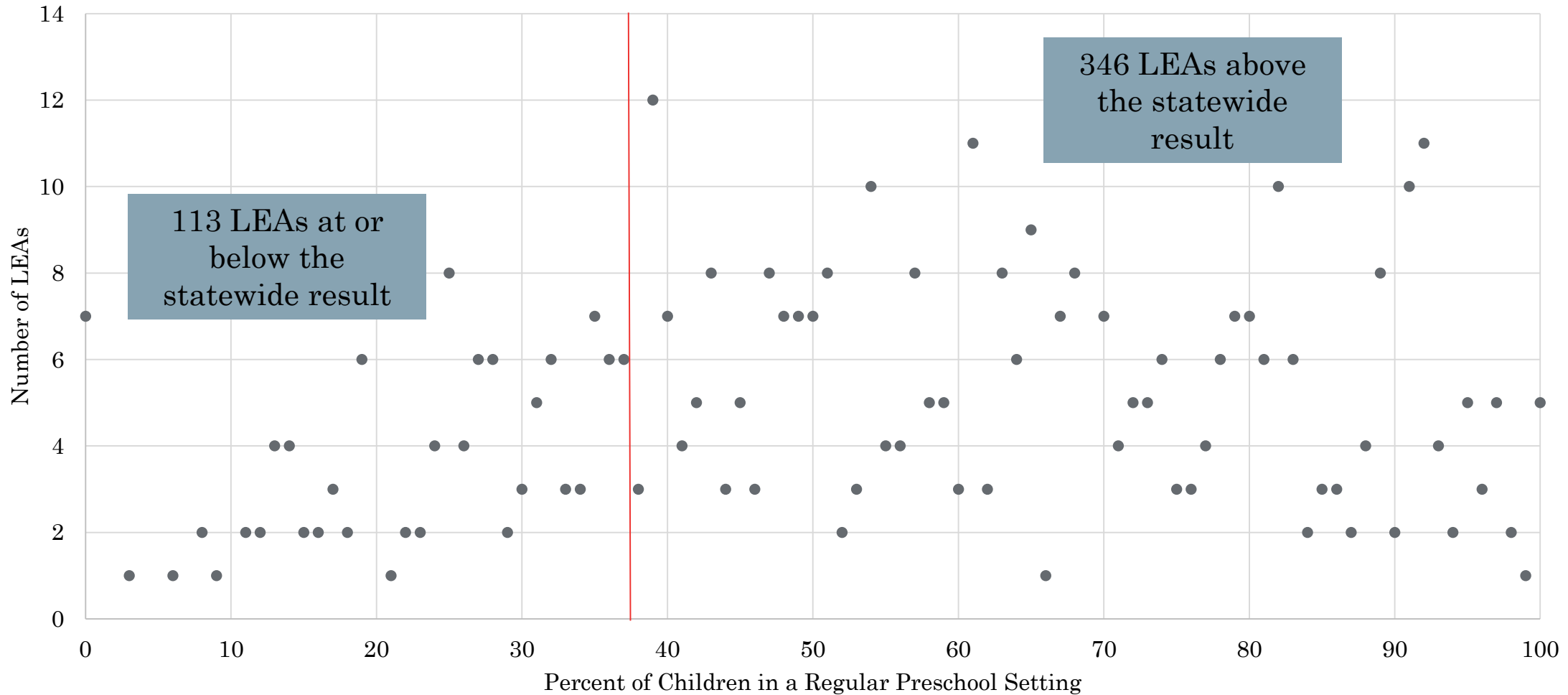
State-to-State 5 Year Results Comparison for SWD

Indicator 6A - Regular Preschool Setting Results



Where Do California Districts Fall?

Indicator 6A - Children in a Regular Preschool Setting



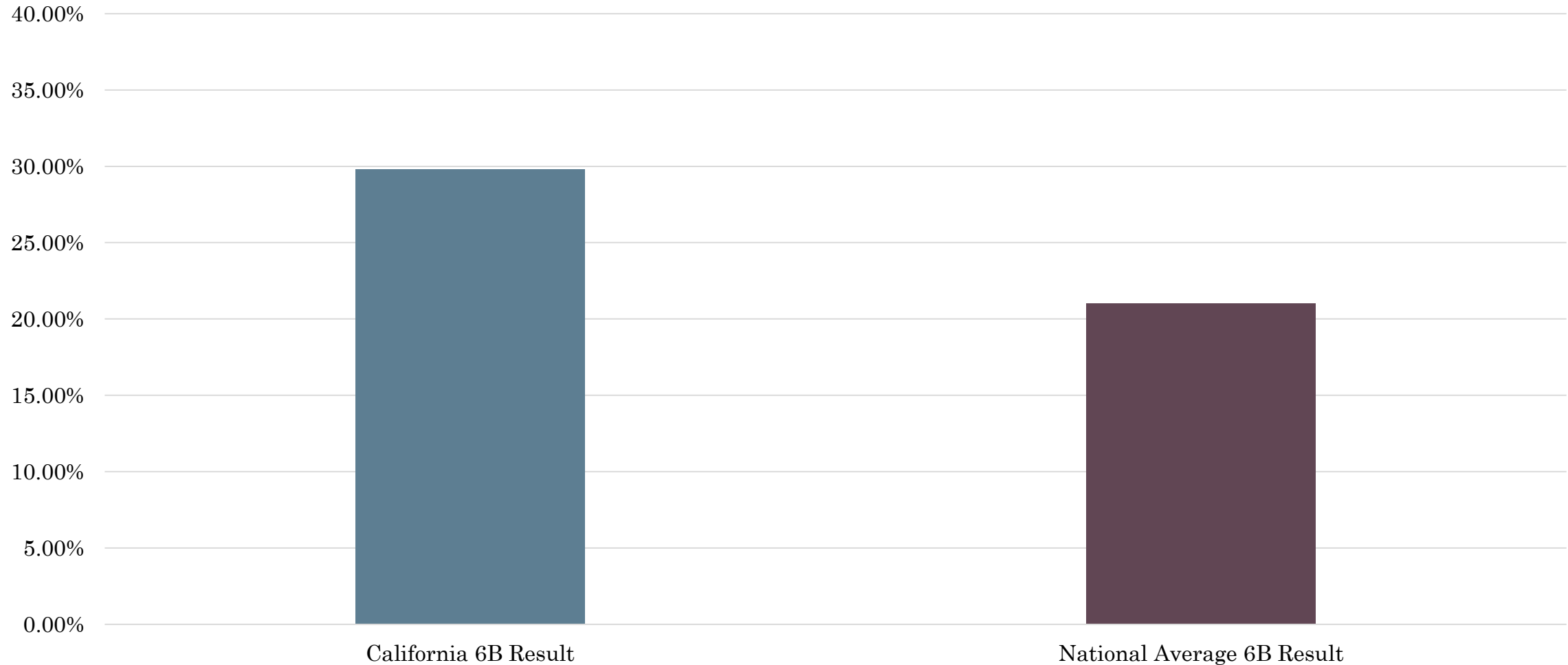
The red line shows the average statewide 2017 result of 37.31%.

Separate Preschool Setting – Indicator 6B

Statewide Results for Students with Disabilities

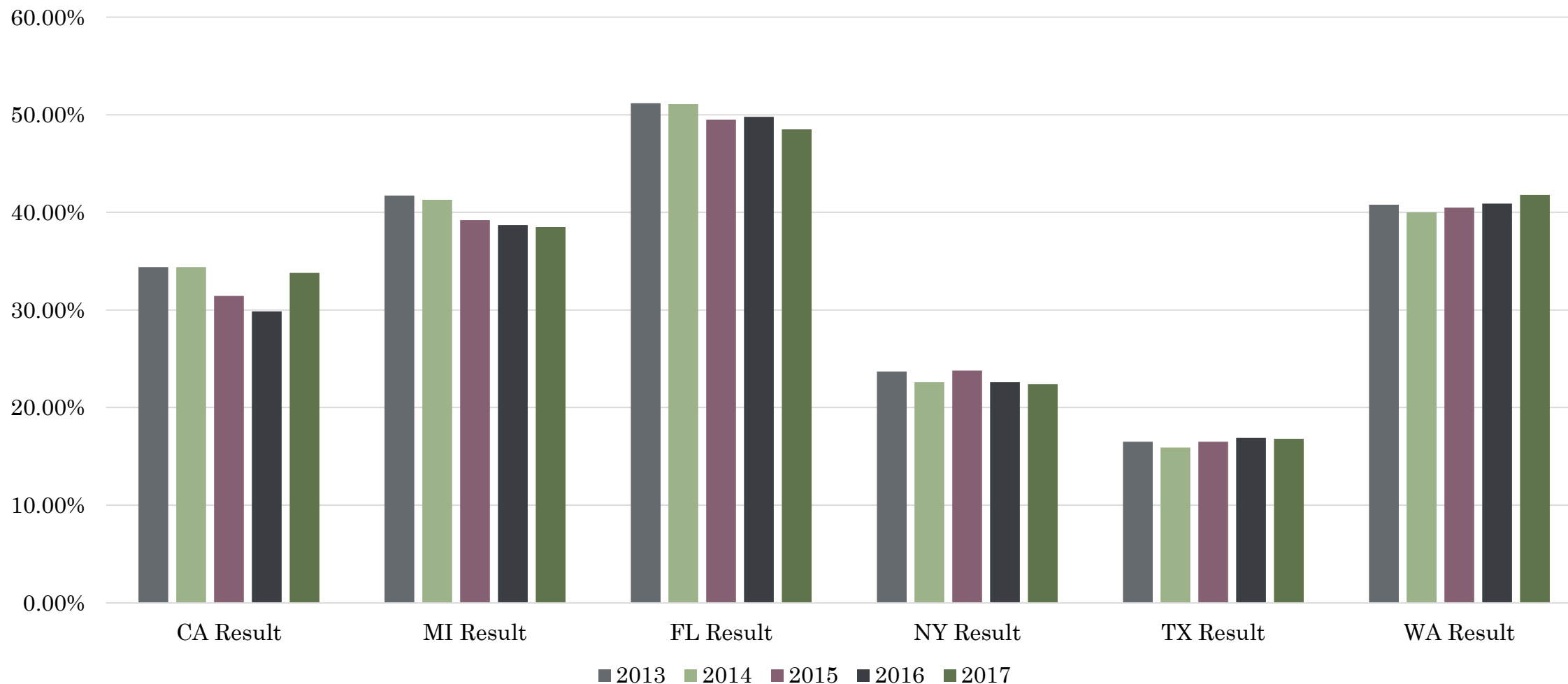
California & National Trends for Indicator 6B for Students with Disabilities

Federal Fiscal Year 2016



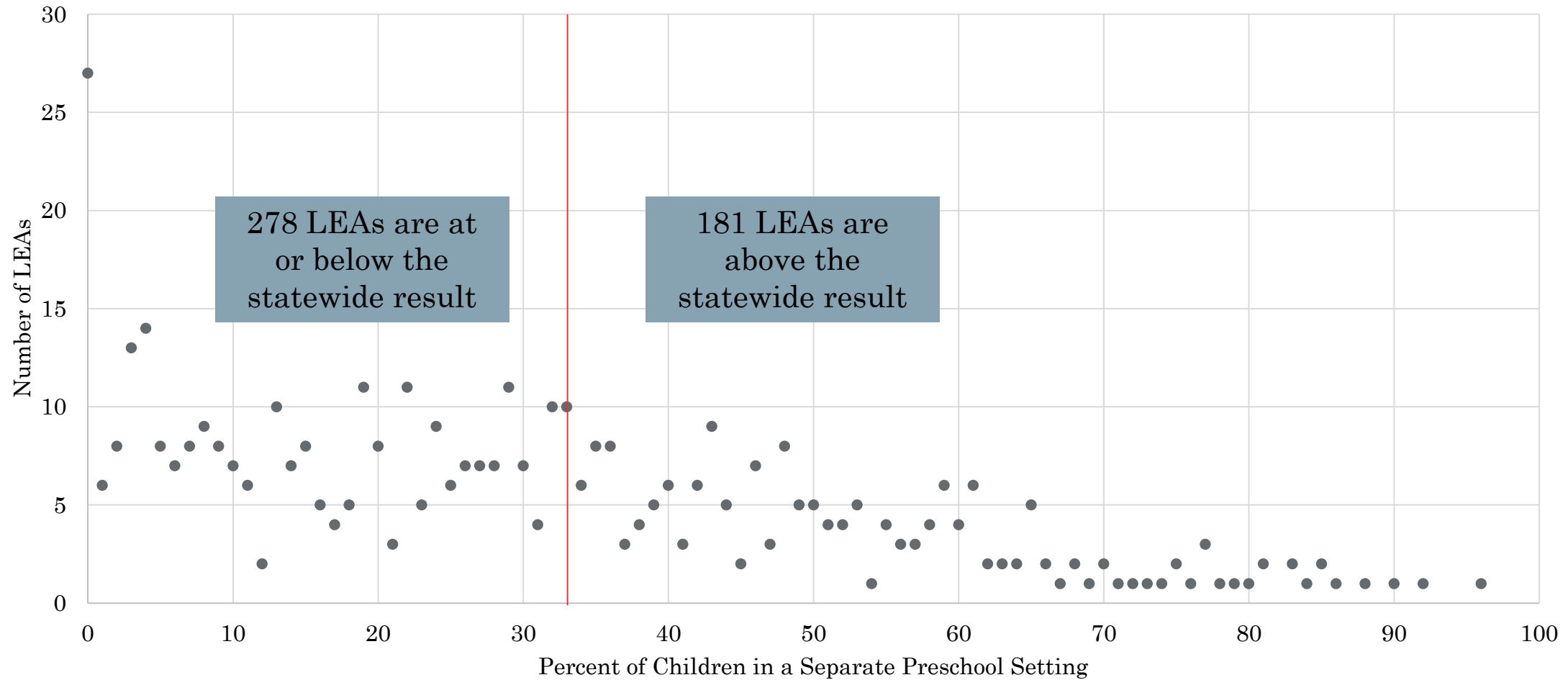
State-to-State 5 Year Results Comparison for SWD

Separate Preschool Setting Results



Where Do California Districts Fall?

Children in Separate Preschool Settings



The red line shows the average statewide 2017 result of 33.79%.

Quick Discussion

Based on your experience and knowledge, what observations and/or questions do you have about the data you have just reviewed?

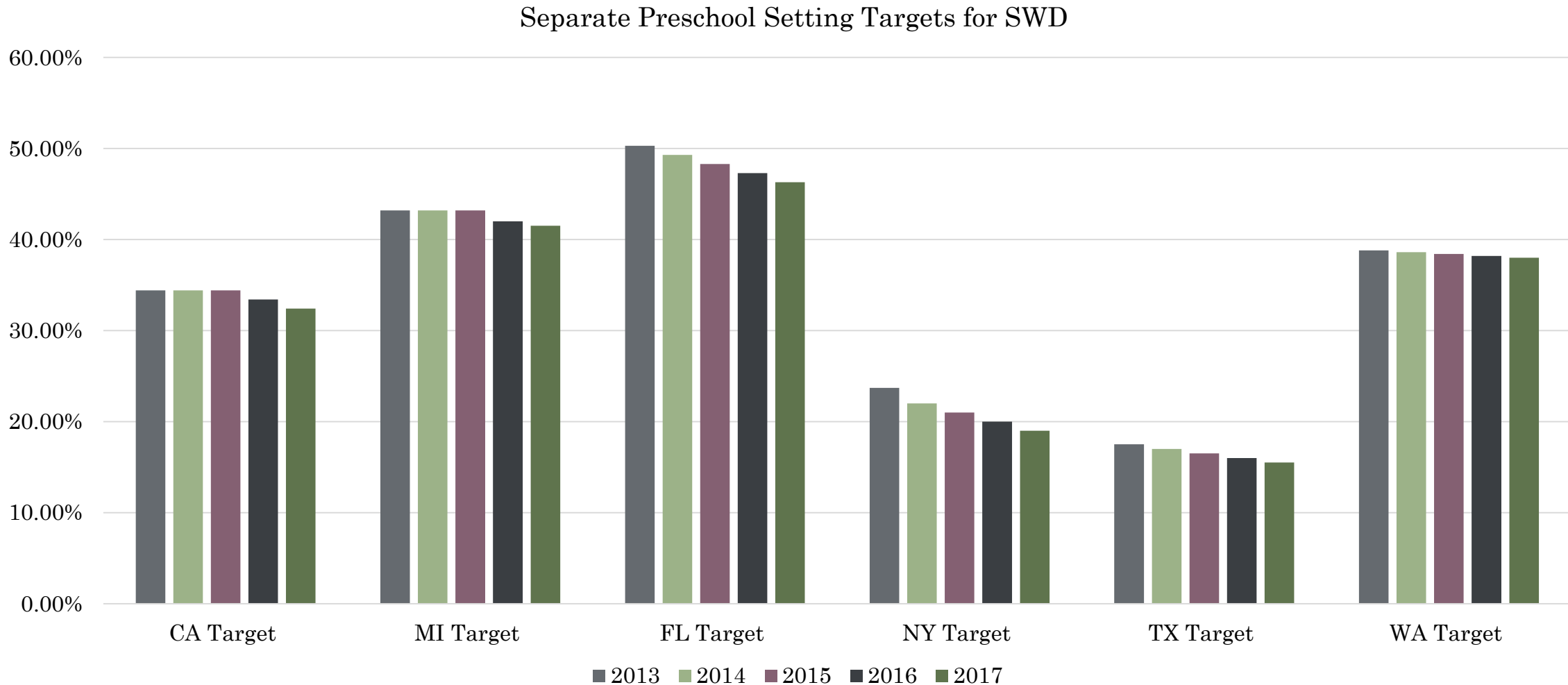
Target Comparisons

State-to-State Target Comparisons

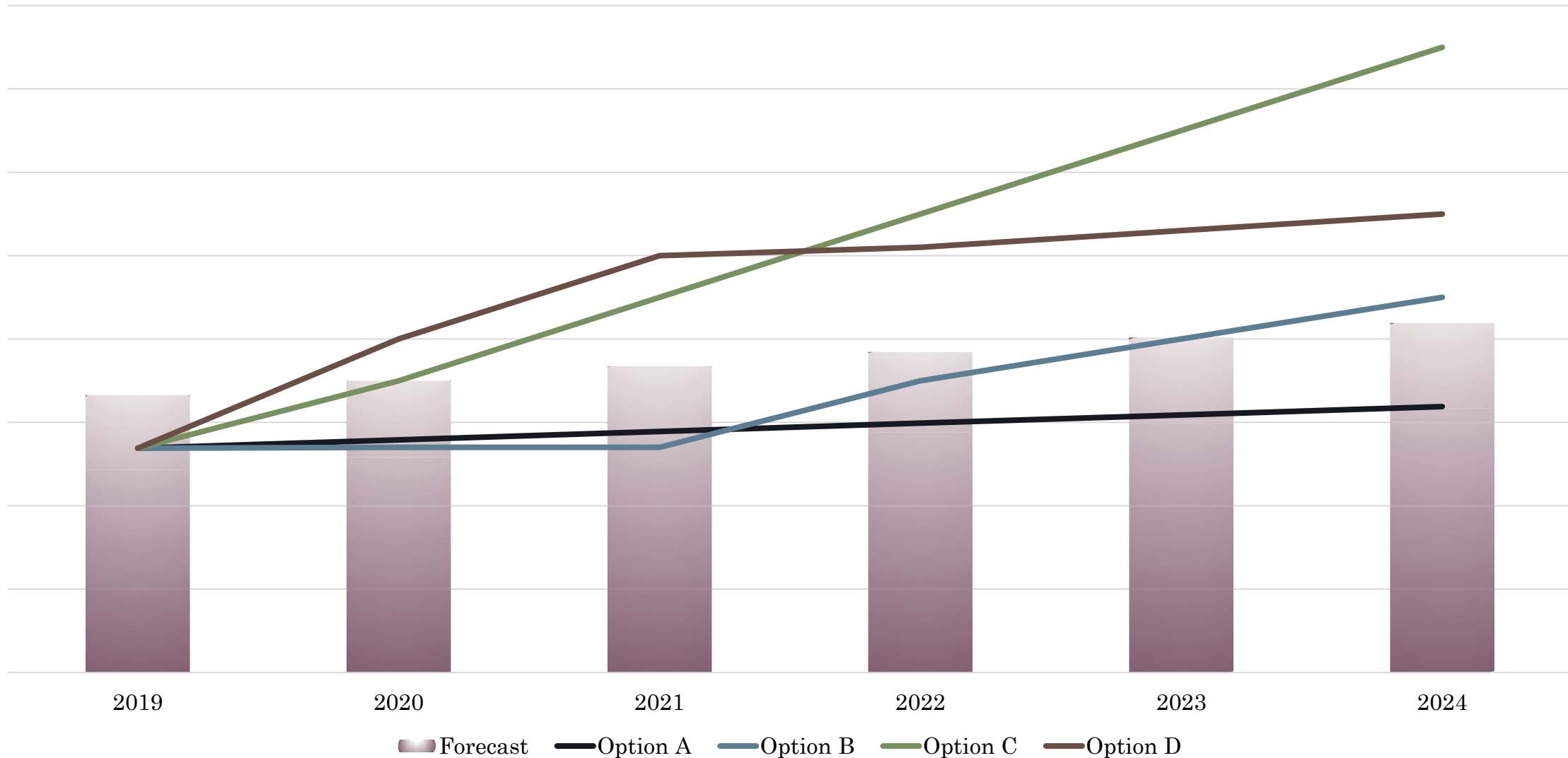
Regular Preschool Setting Targets for SWD



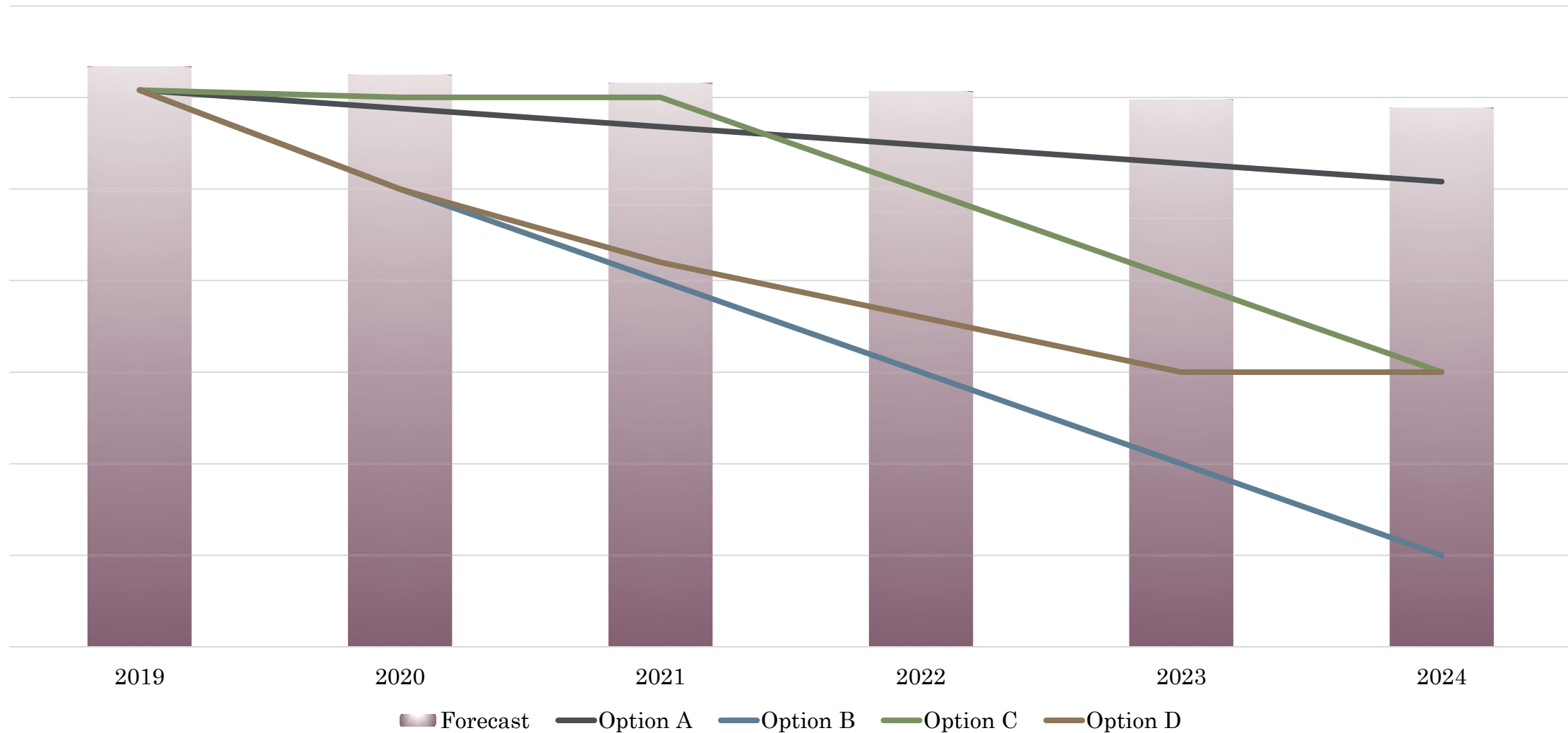
State-to-State Target Comparisons



Regular Preschool Setting Target Options



Separate Preschool Setting Target Options



Small Group Discussion

- Use the worksheets at your table.
 - These worksheets will be collected.
- Guided questions are included to get you started.
- Plot out new proposed targets.

Small Group Share Out

What target option(s) did your group choose and why?
Are there any additional considerations/questions that
arose in your conversation?

LUNCH

12:05pm – 1:00pm

Indicator 7

Preschool Outcomes

Indicator 7A: Preschool Skills

- Measures the percent of children with disabilities who demonstrate improvement in positive social-emotional skills, including social relationships.
- FFY 2017 Targets:
 - Of those children with disabilities who entered the program with below age expectations, **83.2** percent will substantially increase their rate of growth by the time they turn six years of age or exit the program.
 - Of those children with disabilities who were functioning within age expectations, **79.5** percent will function within age expectations by the time they turn six years of age or exit the program.
- FFY 2017 Results: 76.7%/77.6%

Indicator 7B: Preschool Skills

- Measures the percent of children with disabilities who demonstrate improvement in acquisition and use of knowledge and skills, including early language/communication and early literacy.
- FFY 2017 Targets:
 - Of those children with disabilities who entered the program with below age expectations, **80.7** percent will substantially increase their rate of growth by the time they turn six years of age or exit the program.
 - Of children with disabilities who were functioning within age expectations, **78.57** percent will function within age expectations by the time they turn six years of age or exit the program.
- FFY 2017 Results: 76.1%/76.7%

Indicator 7C: Preschool Skills

- Measures the percent of children with disabilities who demonstrate improvement in use of appropriate behaviors to meet their needs.
- FFY 2017 Targets:
 - Of those children who entered the program with below age expectations, **74.7** percent will substantially increase their rate of growth by the time they turn six years of age or exit the program.
 - Of those children who were functioning within age expectations, **77.45** percent will function within age expectations by the time they turn six years of age or exit the program.
- FFY 2017 Results: 75.3%/77.0%

Who is Included?

- Indicator 7 uses data from the Desired Results Developmental Profile 2015 (DRDP, 2015) to document progress of each 3,4, and 5 year old child between entry and exit from preschool special education services.
- A child may be classified as an “exiter” for a variety of reasons, including:
 - Discontinued receiving special education services.
 - Moved out of state.
 - Transitioned to Kindergarten.

What is the Desired Results Developmental Profile?

- The DRDP (2015) results are used to fulfill the Indicator 7 federal reporting requirements.
- The DRDP (2015) is a judgement-and observation-based assessment for children birth through five years of age comprised of developmental and pre-academic indicators representing important areas of learning and development.
- In California, SELPAs report DRDP (2015) assessment data to the CDE, SED for each 3, 4 and 5-year-old child with an IEP (not in transitional kindergarten or kindergarten) each fall and spring.
- The DRDP is administered each year to help inform program planning, but the data reported to OSEP is only for children's entry and exit assessments.

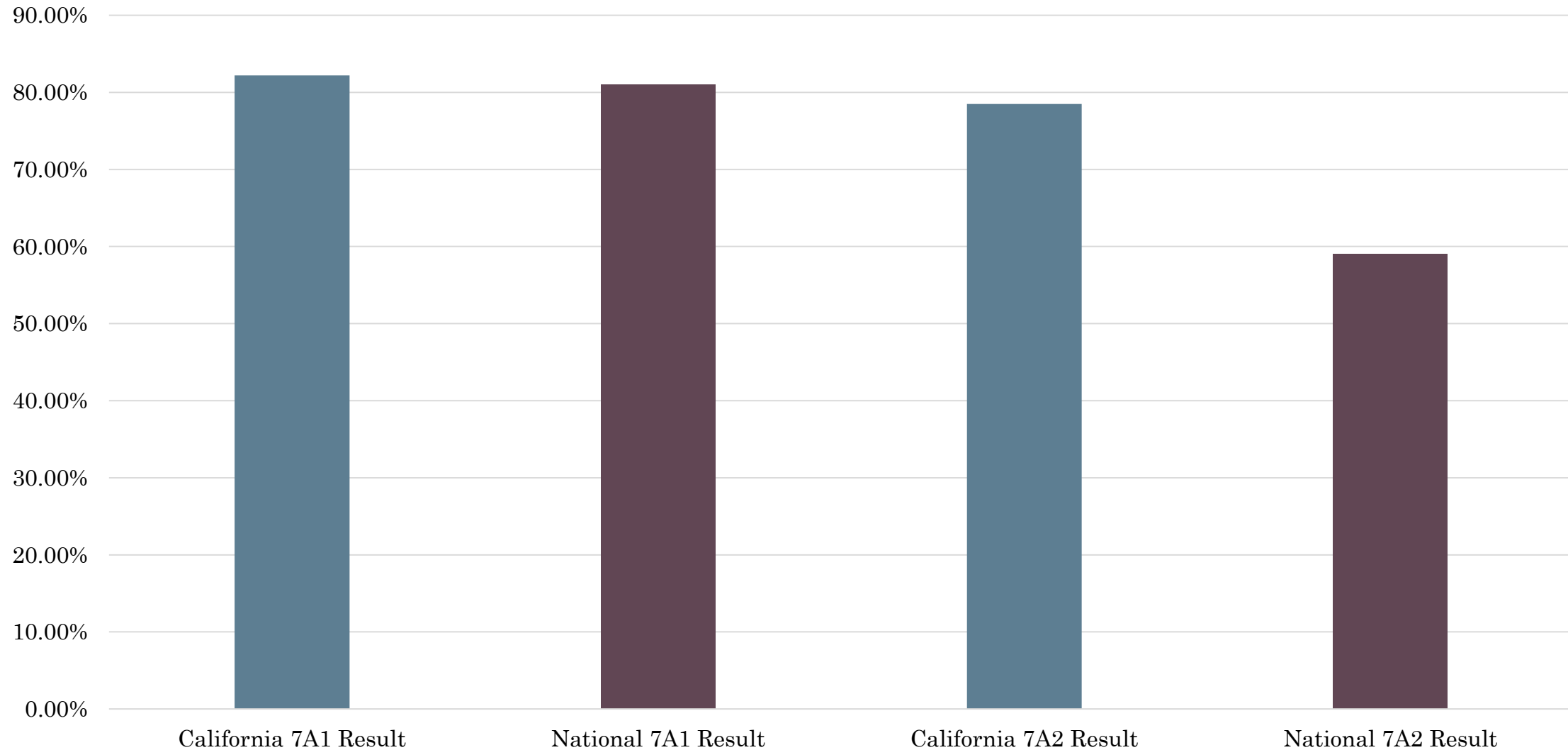
Calculation

- For each of the three preschool outcome areas, states report data on two summary statements:
- Summary Statement #1: Of those children who entered the program below age expectations in each outcome, the percent **who substantially increased their rate of growth** by the time they turned 6 years of age or exited the program.
 - The result for Summary Statement 1 is calculated using the following formula:
$$[(c + d) / (a + b + c + d)] \times 100.$$
- Summary Statement #2: The percent of children who **were functioning within age expectations** in each outcome by the time they turned 6 years of age or exited the program.
 - The result for Summary Statement 2 is calculated using the following formula:
$$[(d + e) / (a + b + c + d + e)] \times 100.$$

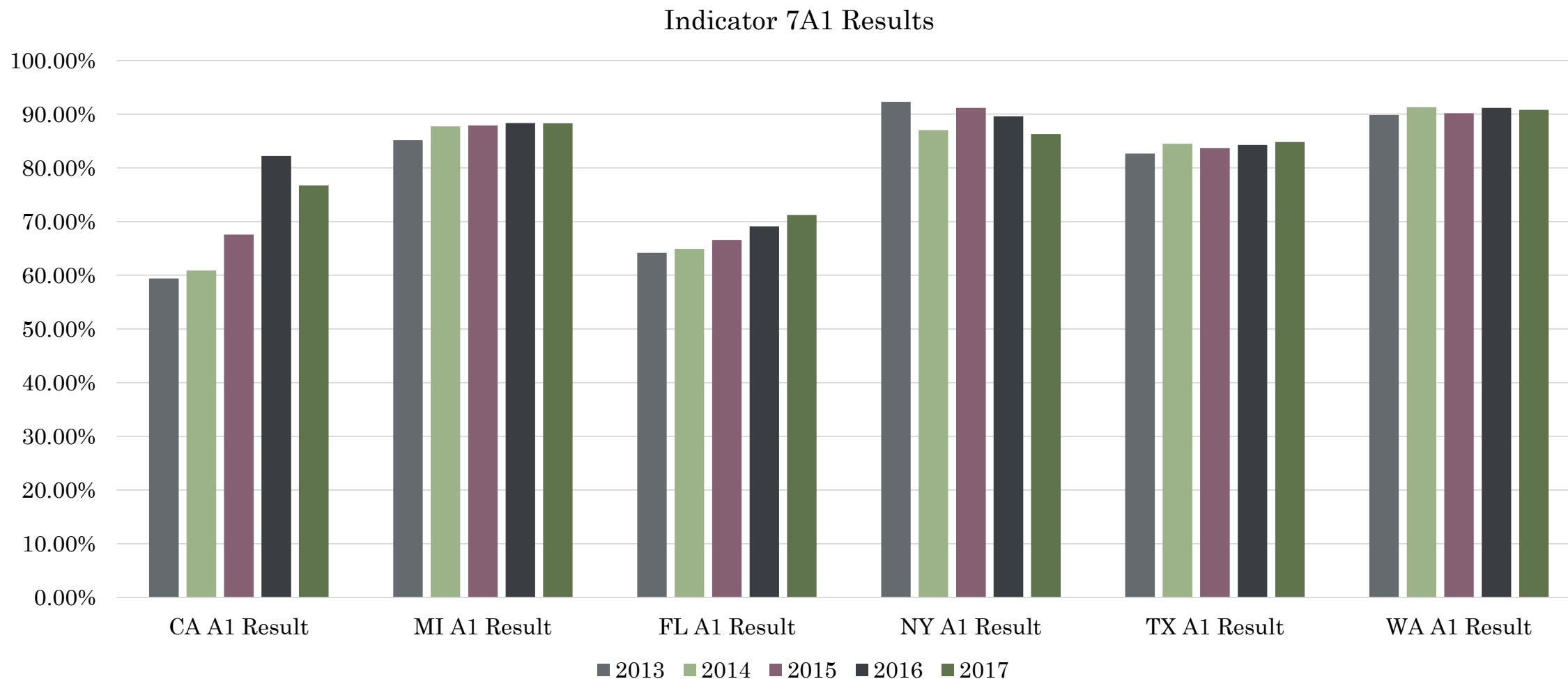
Positive Social- Emotional Skills – Indicator 7A

Statewide Results

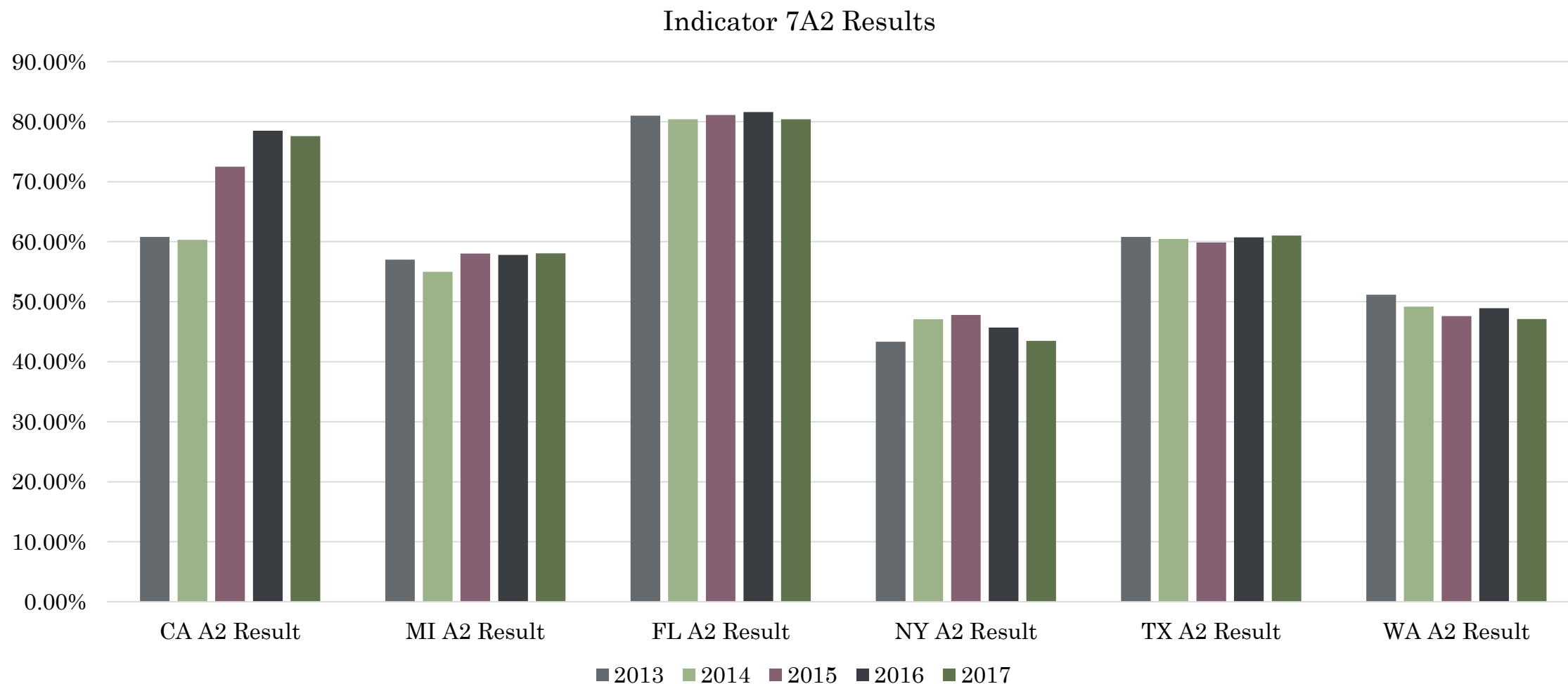
California & National Trends



State-to-State 5 Year Results Comparison Indicator 7A1

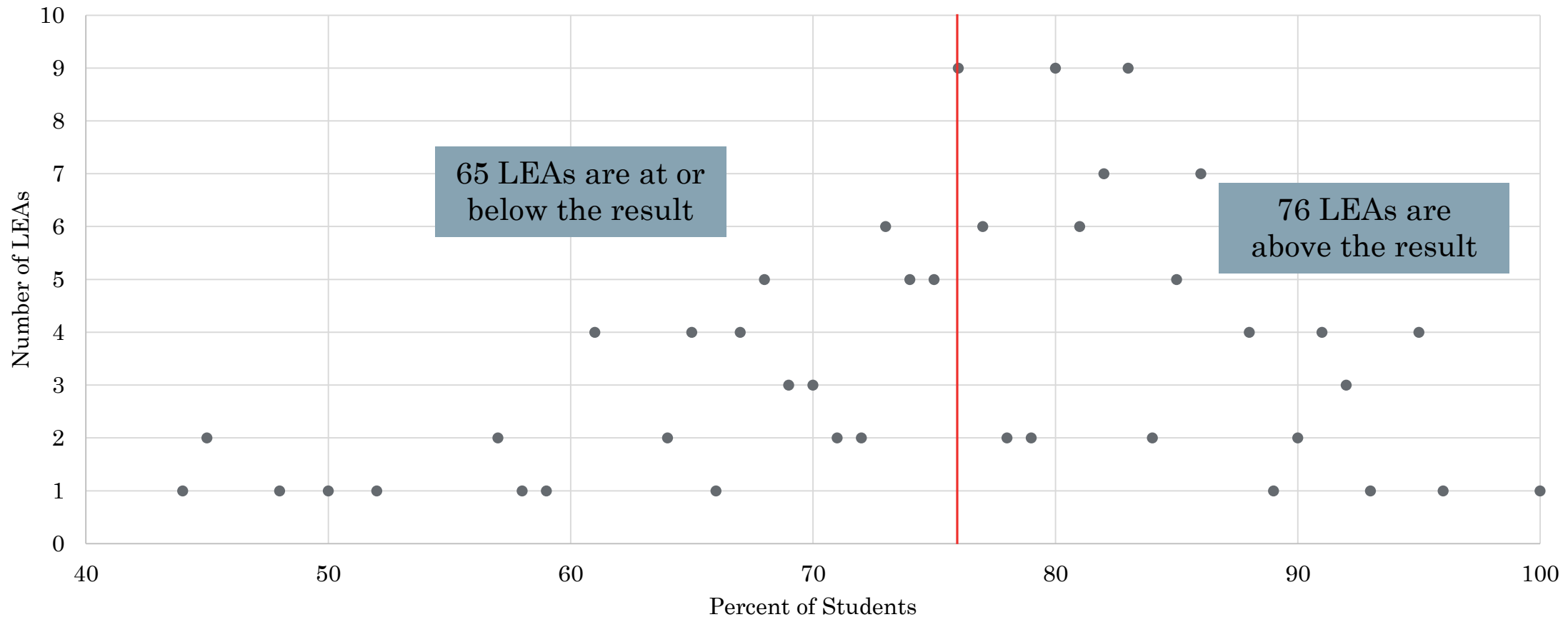


State-to-State 5 Year Results Comparison Indicator 7A2



Where Do California Districts Fall?

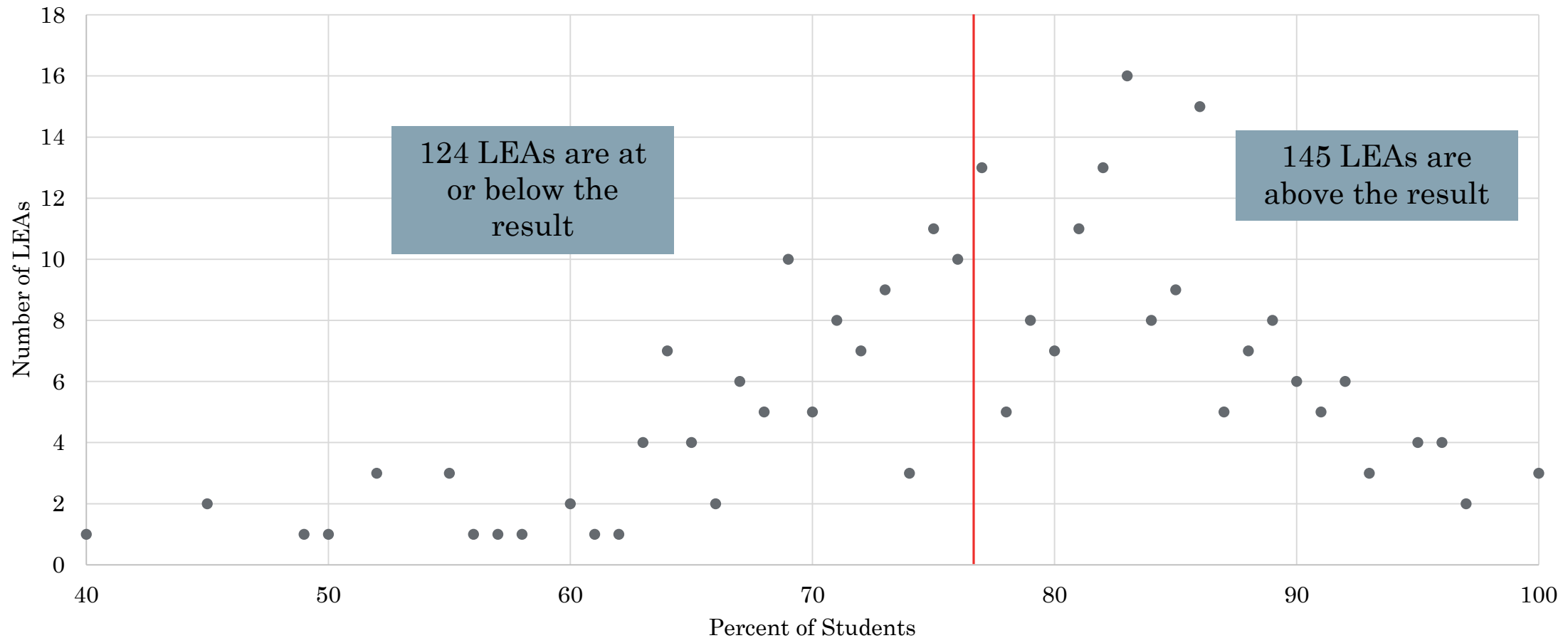
The Number of LEAs by Percent of Preschoolers with Positive Socio-Emotional Skills Substantially Increased



The red line shows the average statewide 2017 result of 76.7%.

Where Do California Districts Fall?

The Number of LEAs by the Percent of Preschoolers with Positive Socio-Emotional Skills
Functioning within age expectations

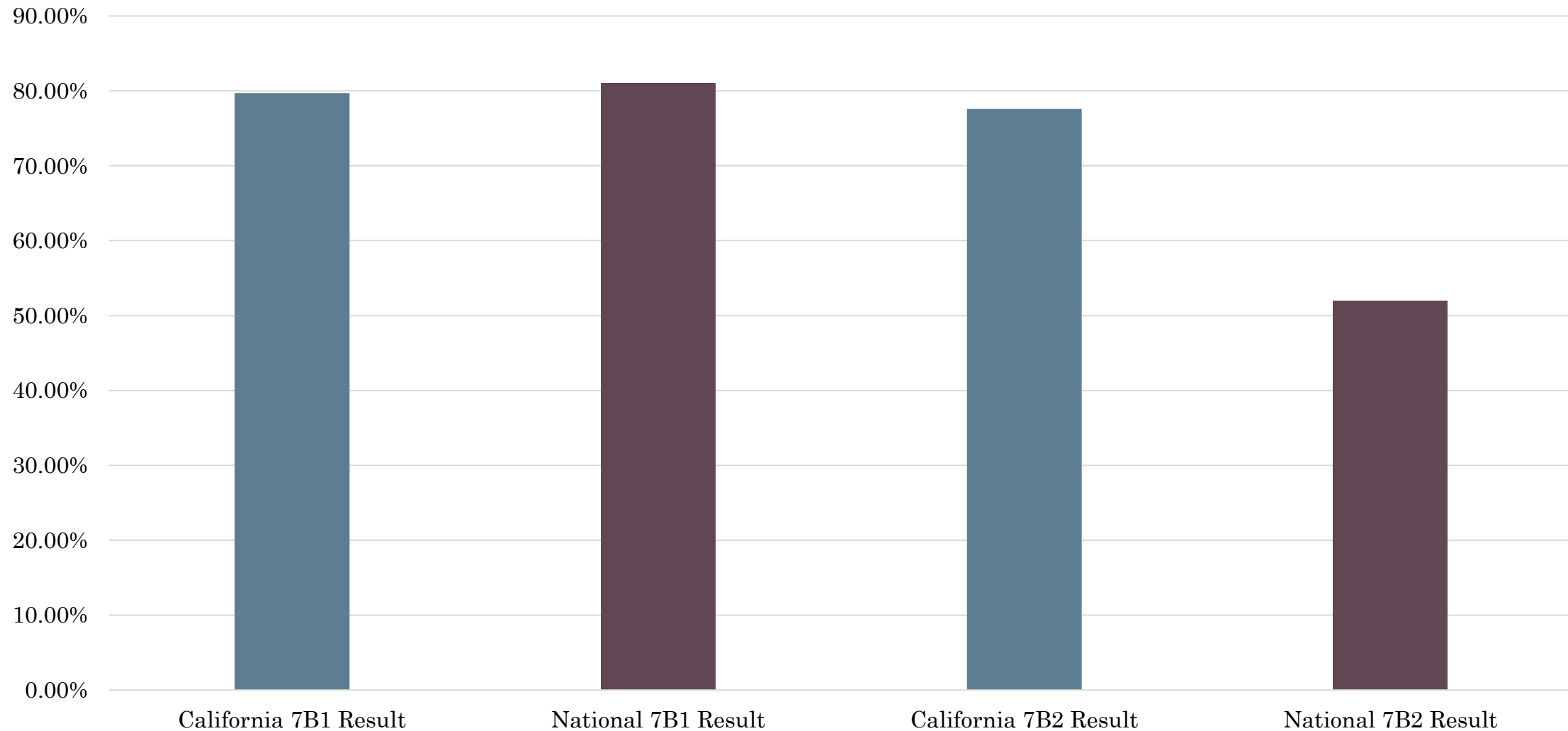


The red line shows the average statewide 2017 result of 77.6%.

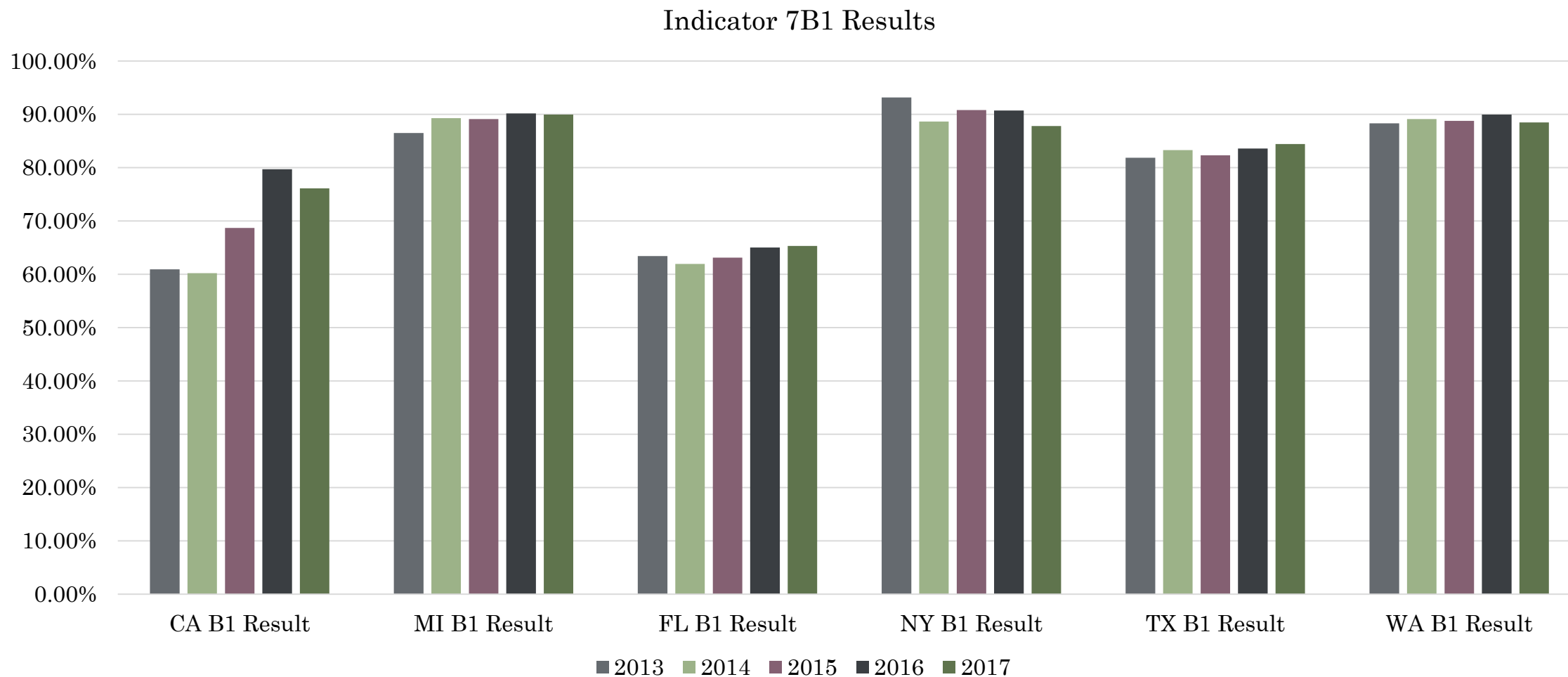
Acquisition & Use of Knowledge & Skills – Indicator 7B

Statewide Results

California & National Trends



State-to-State 5 Year Results Comparison Indicator 7B1

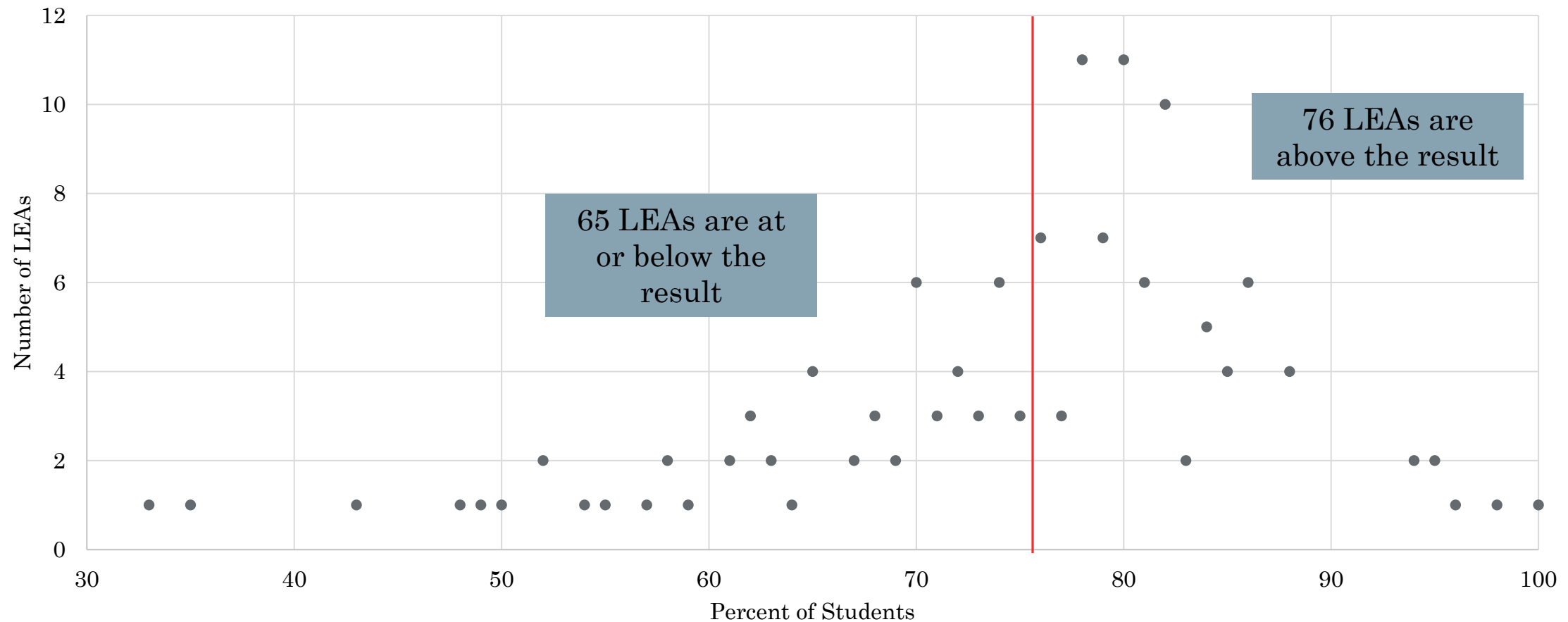


State-to-State 5 Year Results Comparison Indicator 7B2



Where Do California Districts Fall?

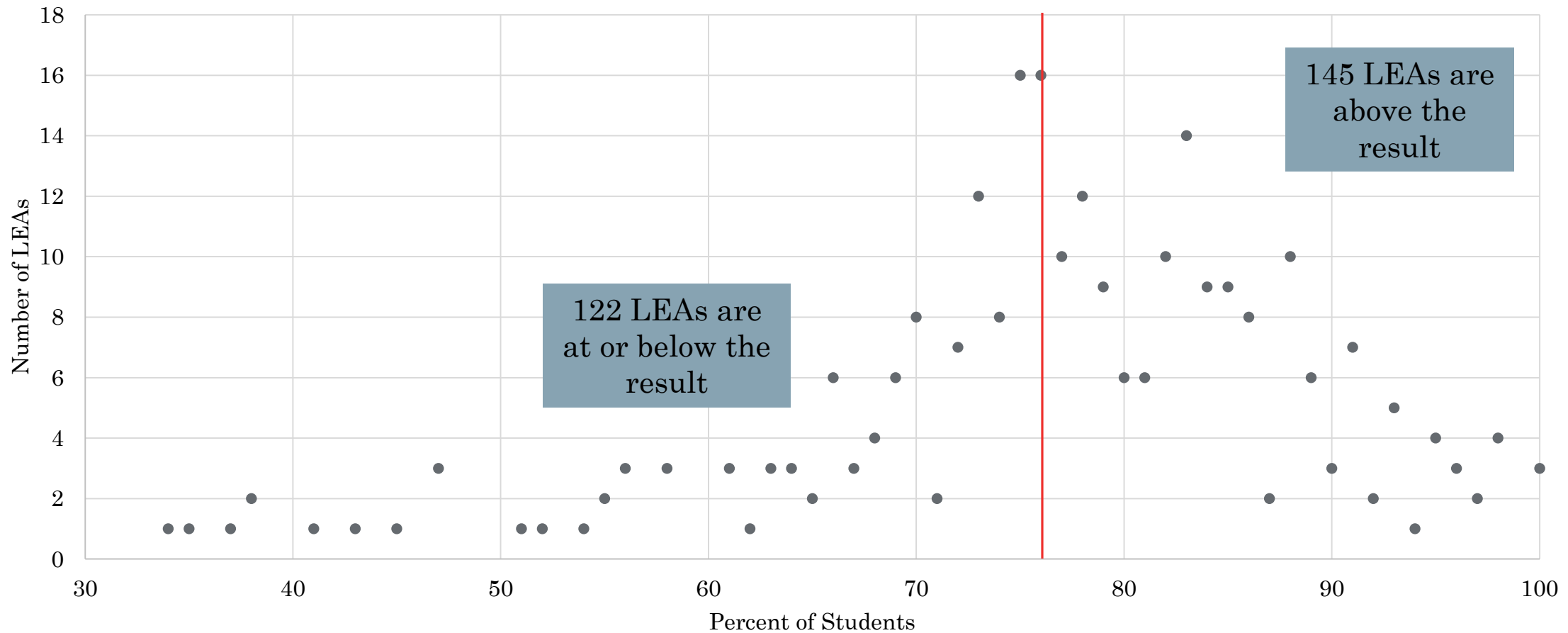
The Number of LEAs by the Percent of Preschoolers with Acquisition of Knowledge/Skills Substantially Increased



The red line shows the average statewide 2017 result of 76.1%.

Where Do California Districts Fall?

The Number of LEAs by the Percent of Preschoolers with Acquisition of Knowledge/Skills
Functioning within age expectations

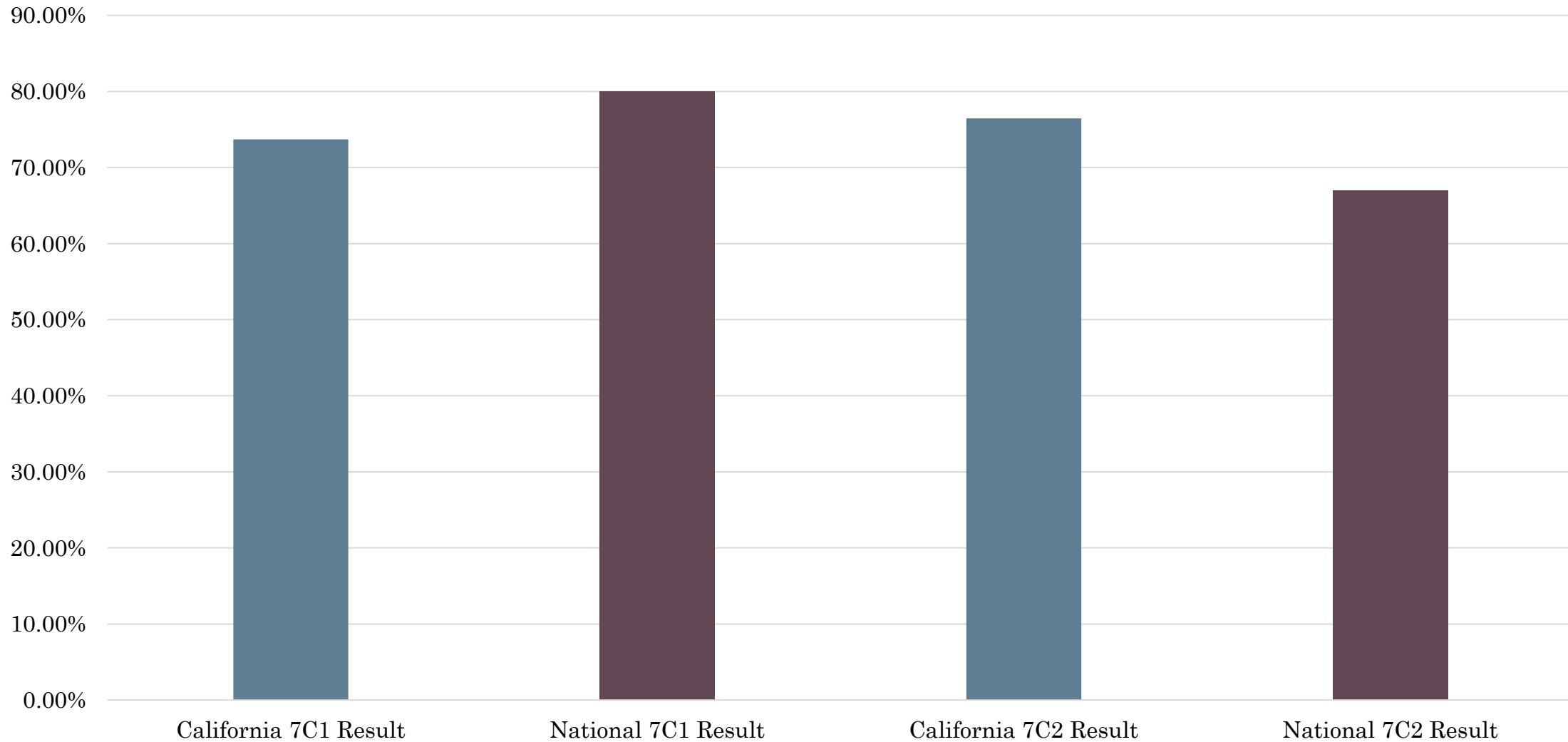


The red line shows the average statewide 2017 result of 76.7%.

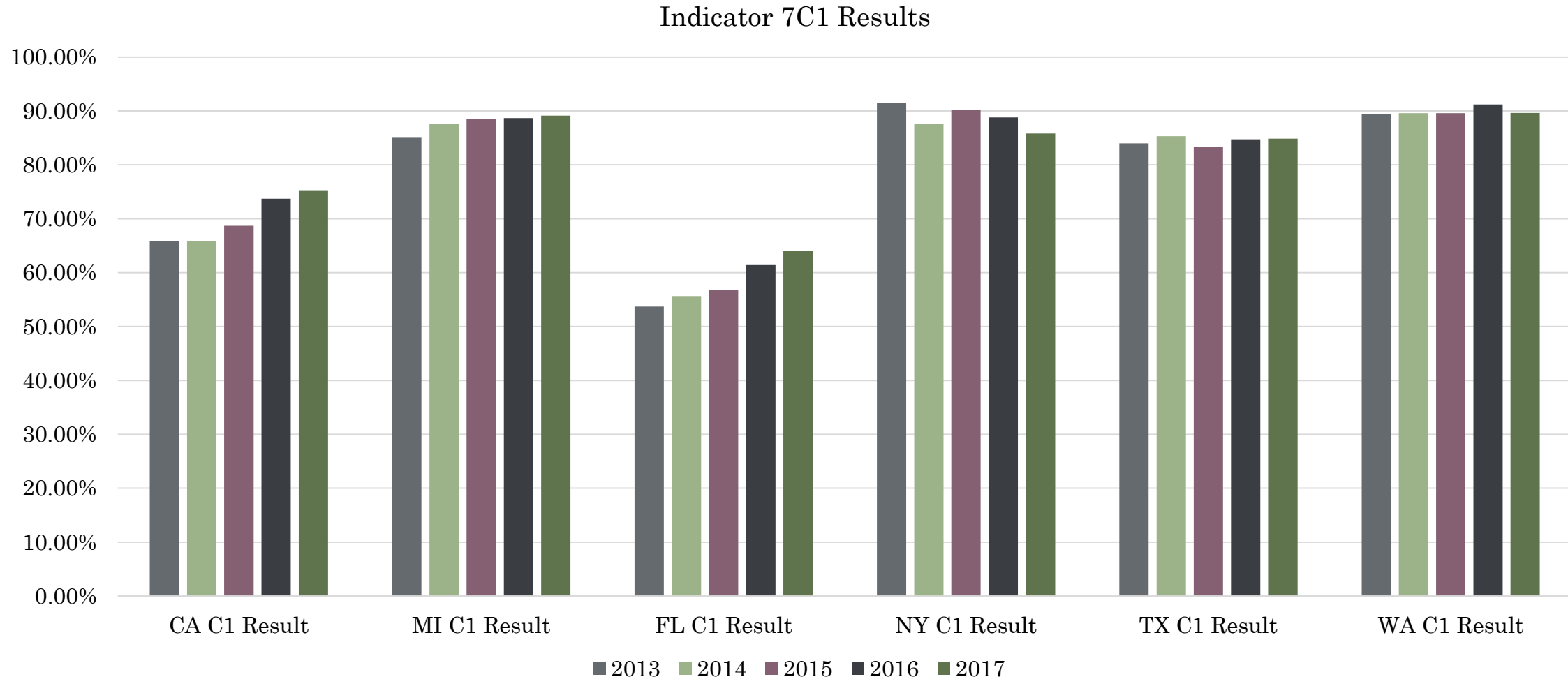
Use of Appropriate Behaviors to Meet Their Needs - Indicator 7C

Statewide Results

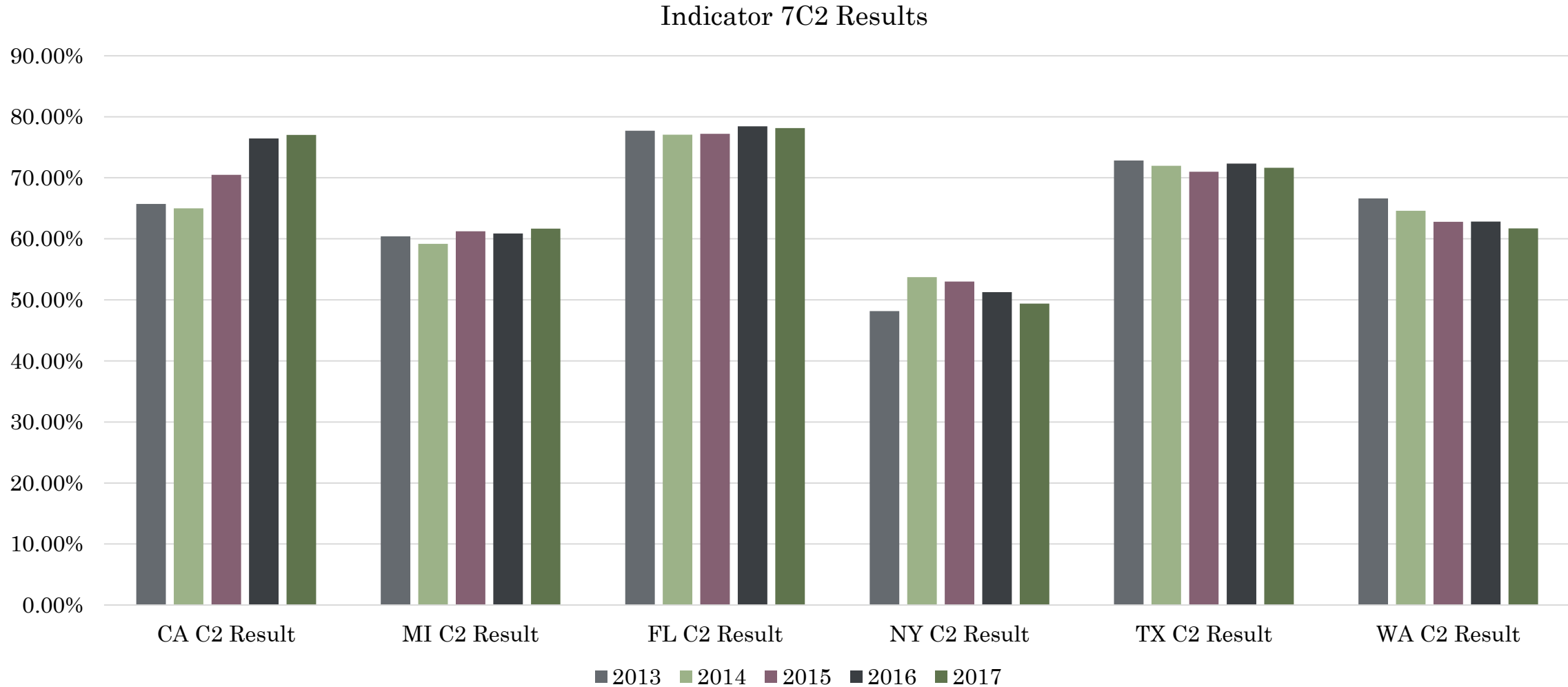
California & National Trends



State-to-State 5 Year Results Comparison Indicator 7C1

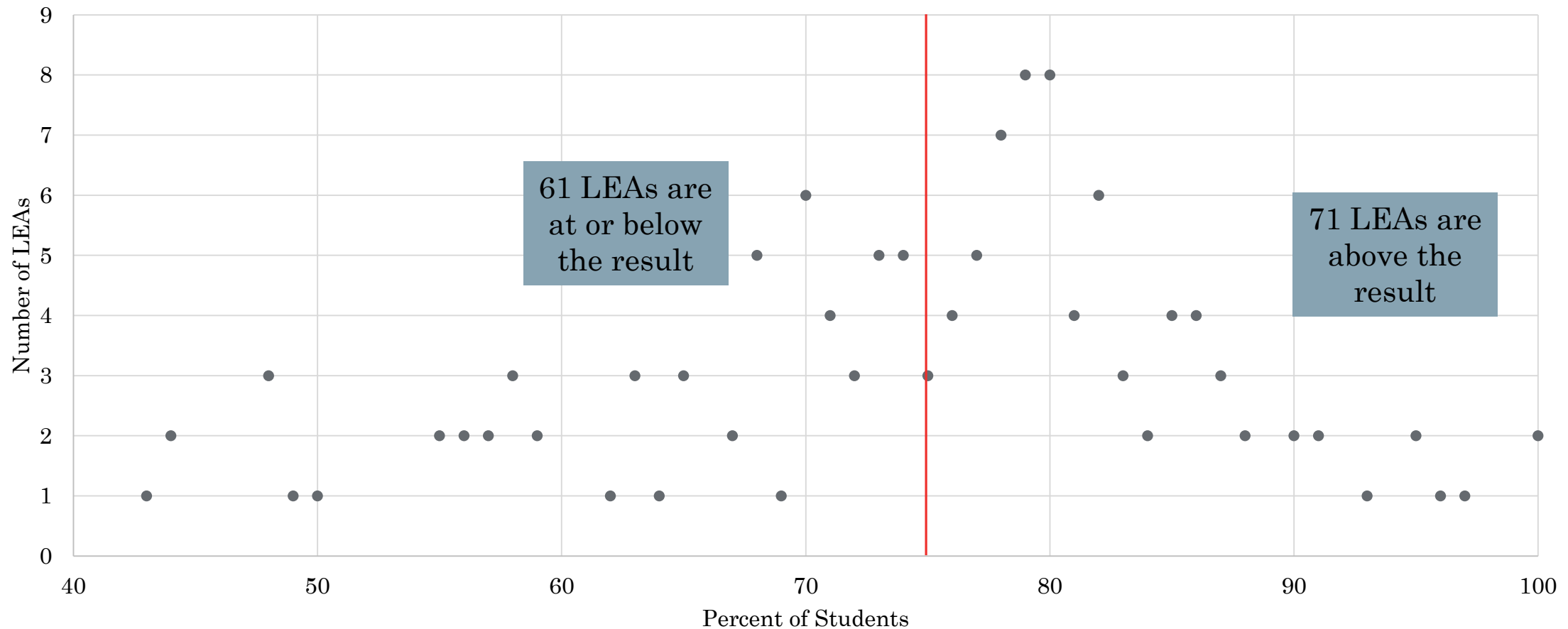


State-to-State 5 Year Results Comparison Indicator 7C2



Where Do California Districts Fall?

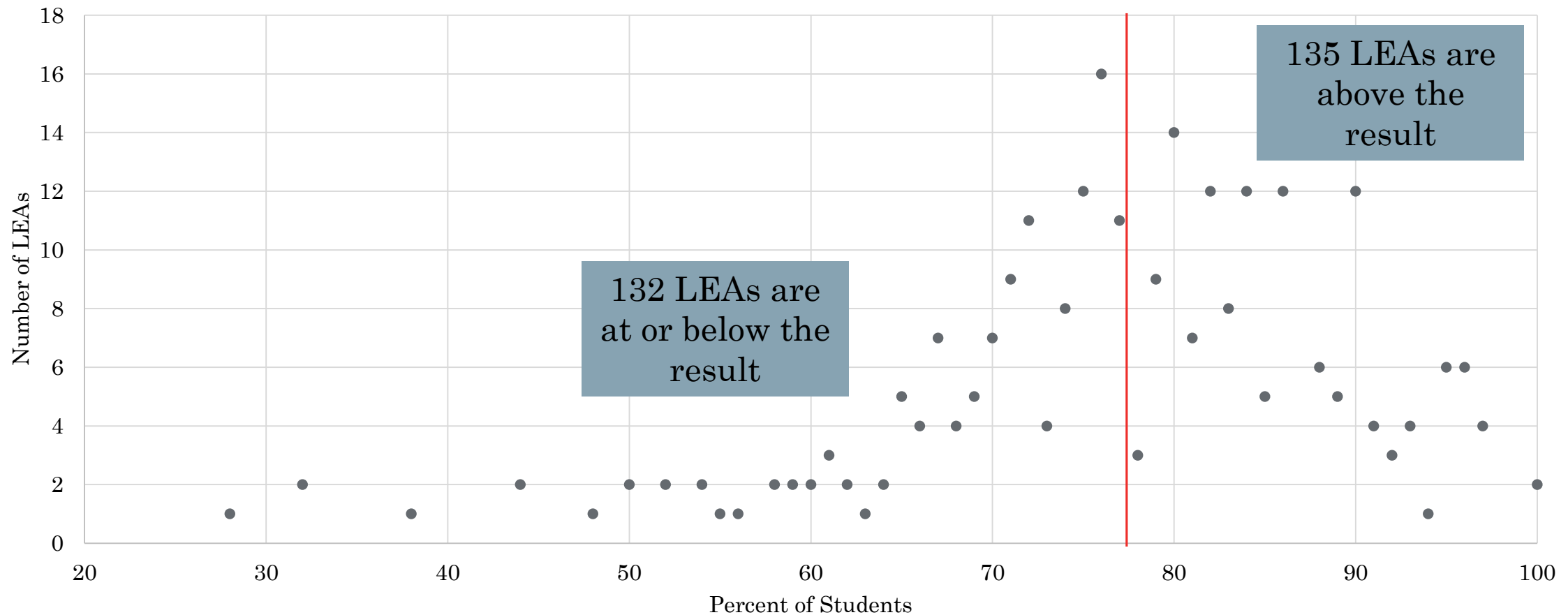
The Number of LEAs by the Percent of Preschoolers with Use of Appropriate Behaviors Substantially Increased



The red line shows the average statewide 2017 result of 75.3%.

Where Do California Districts Fall?

The Number of LEAs by the Percent of Preschoolers with Use of Appropriate Behaviors Functioning within age expectations



The red line shows the average statewide 2017 result of 77.0%.

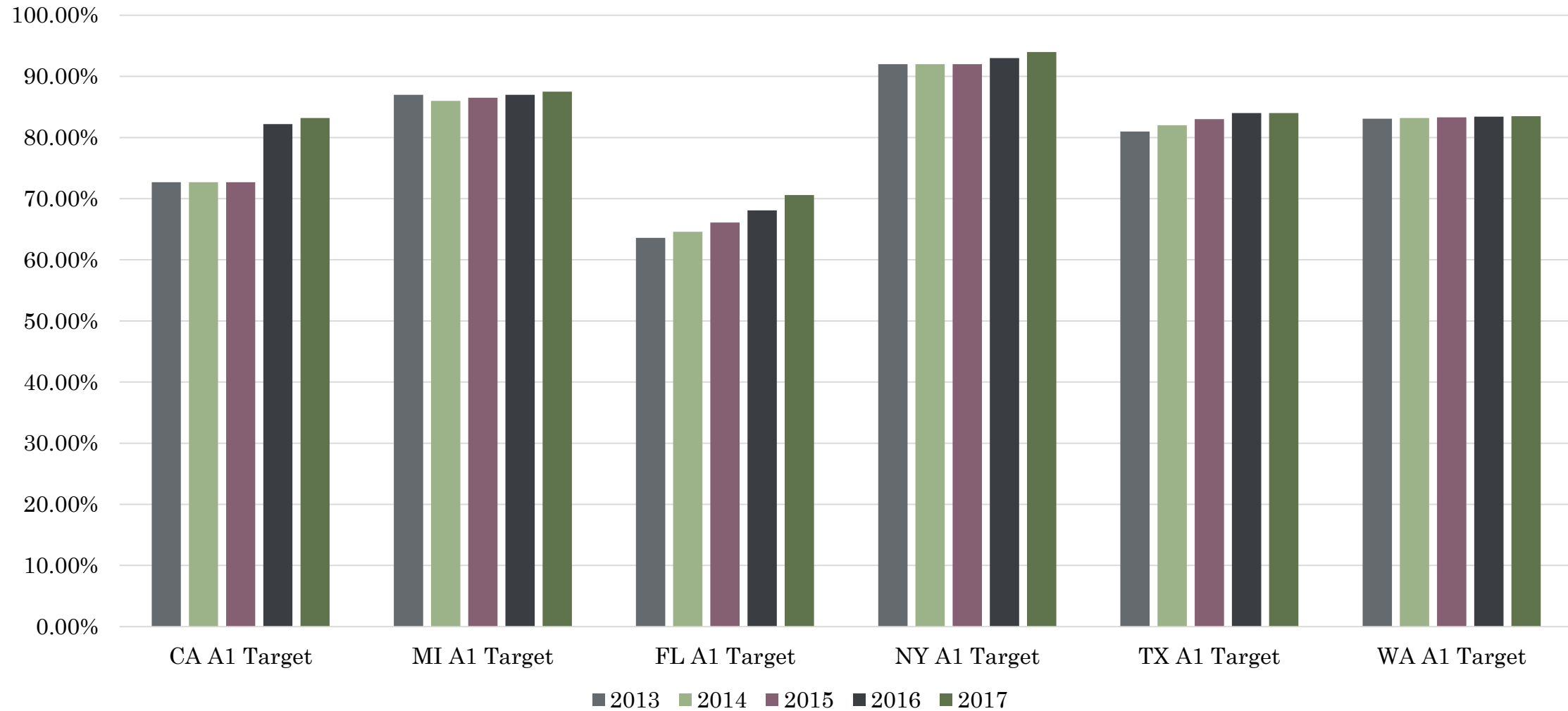
Quick Discussion

Based on your experience and knowledge, what observations and/or questions do you have about the data you have just reviewed?

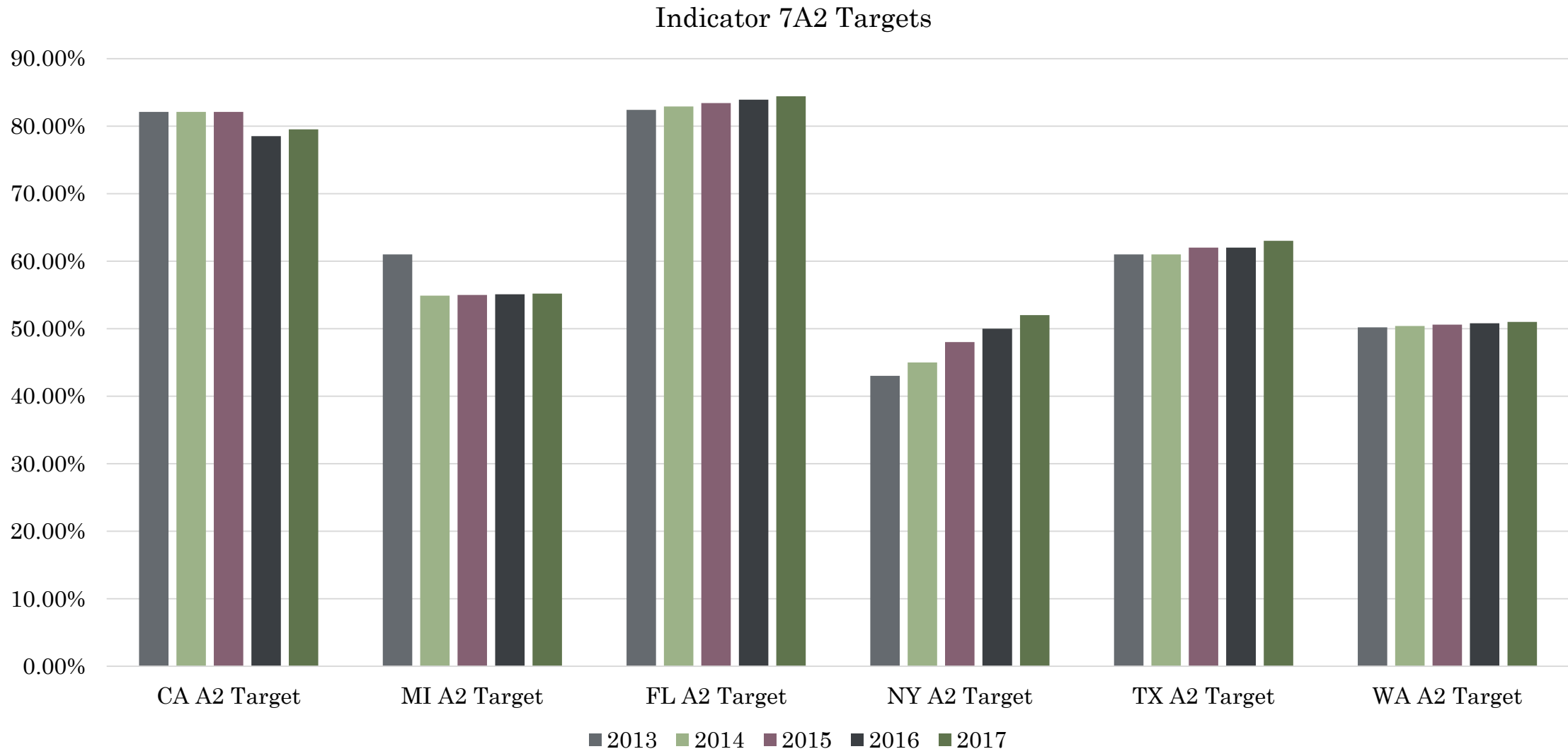
Target Comparisons

State-to-State Target Comparisons

Indicator 7A1 Targets

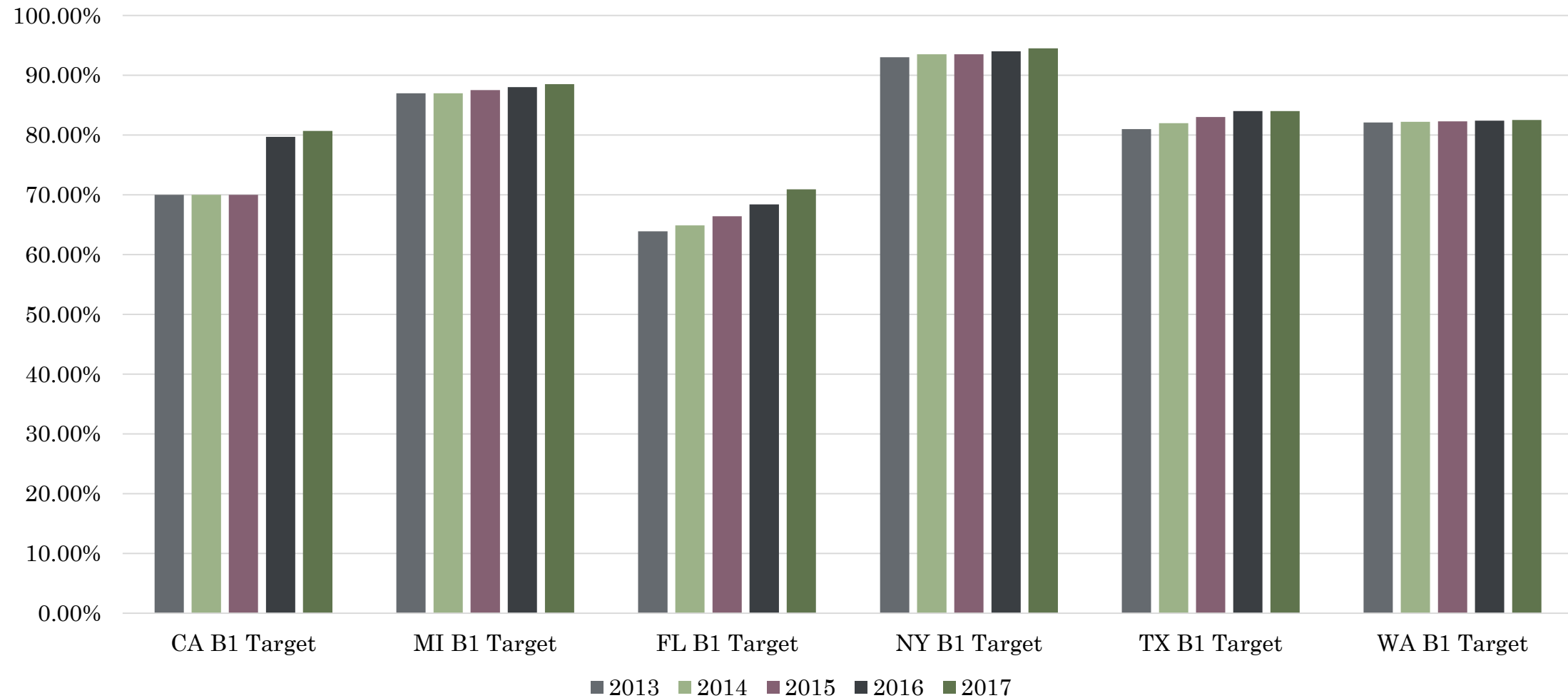


State-to-State Target Comparisons

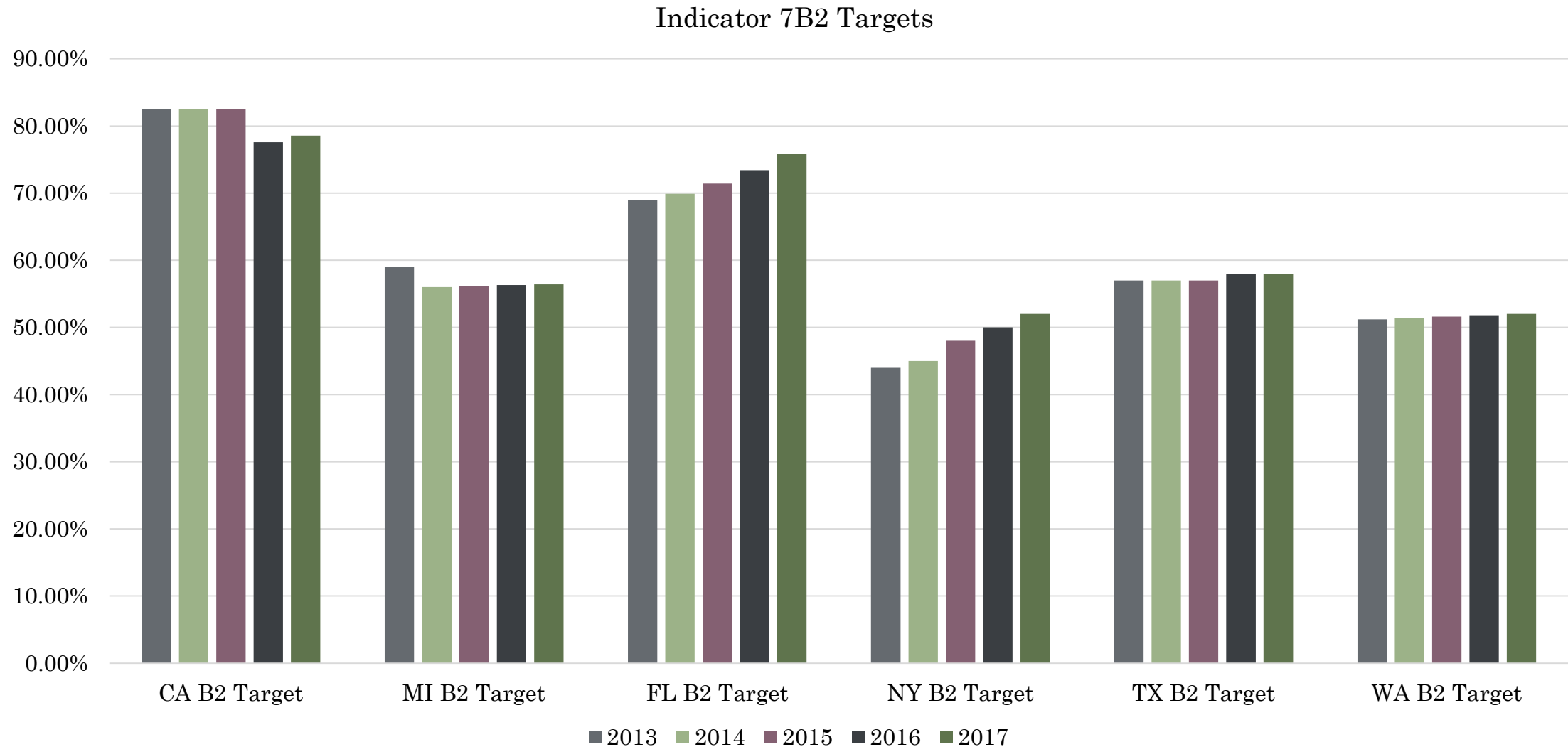


State-to-State Target Comparisons

Indicator 7B1 Targets

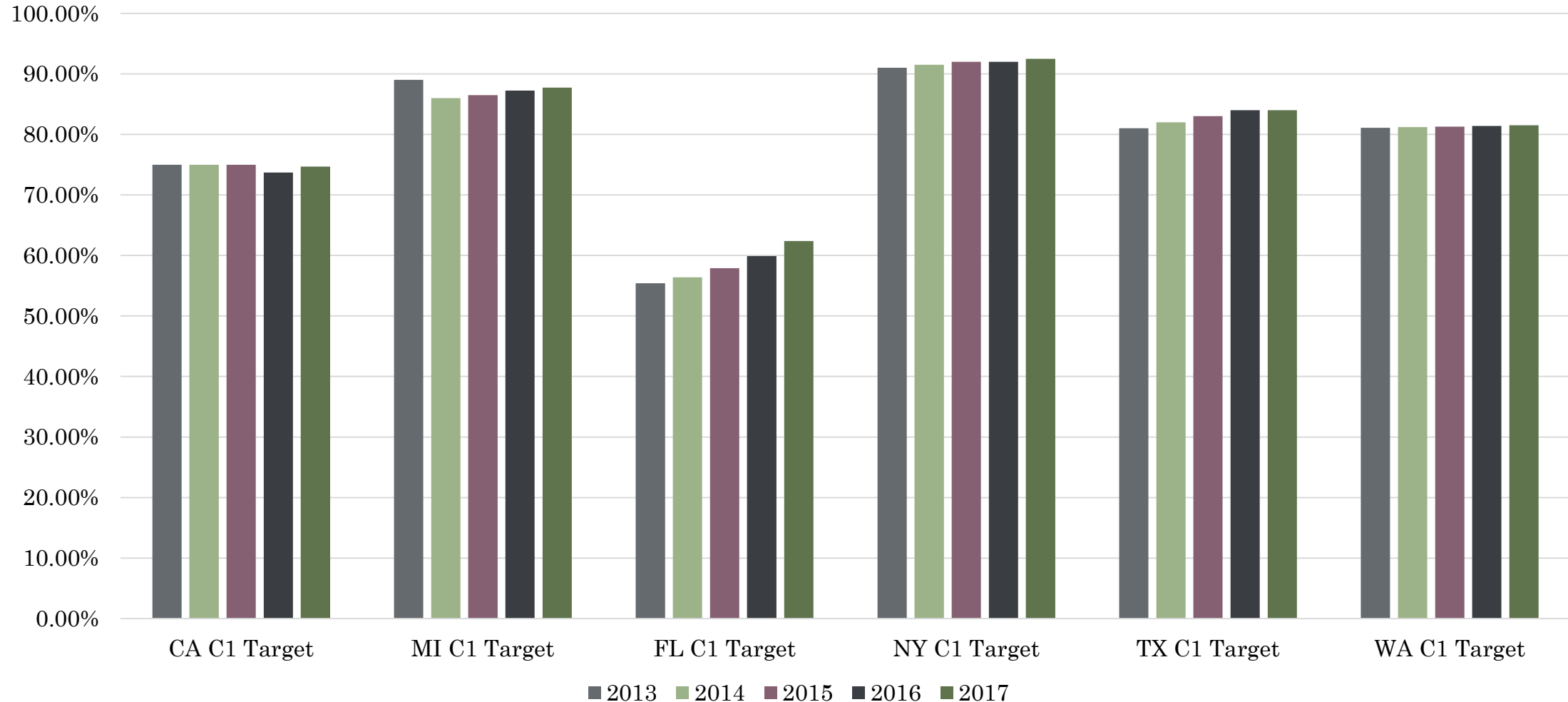


State-to-State Target Comparisons



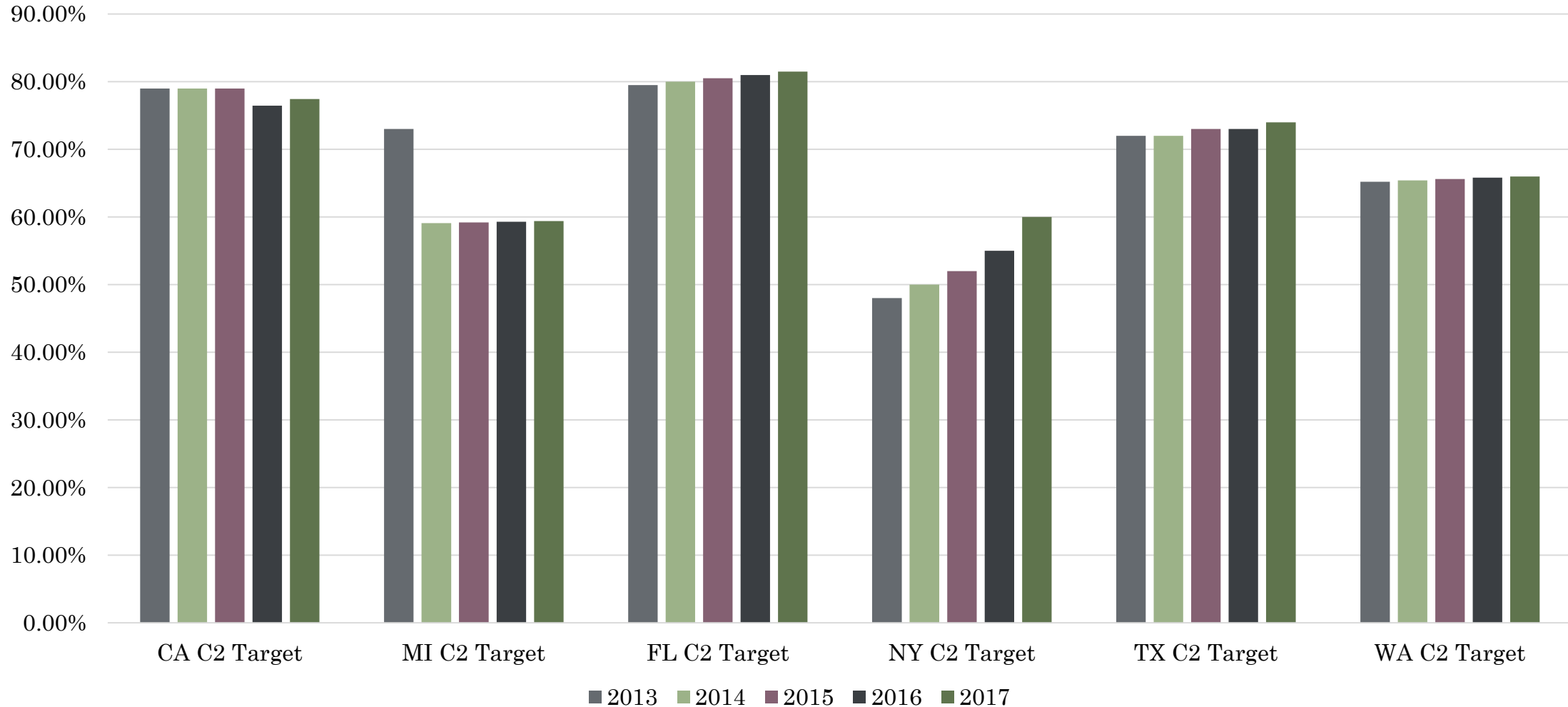
State-to-State Target Comparisons

Indicator 7C1 Targets

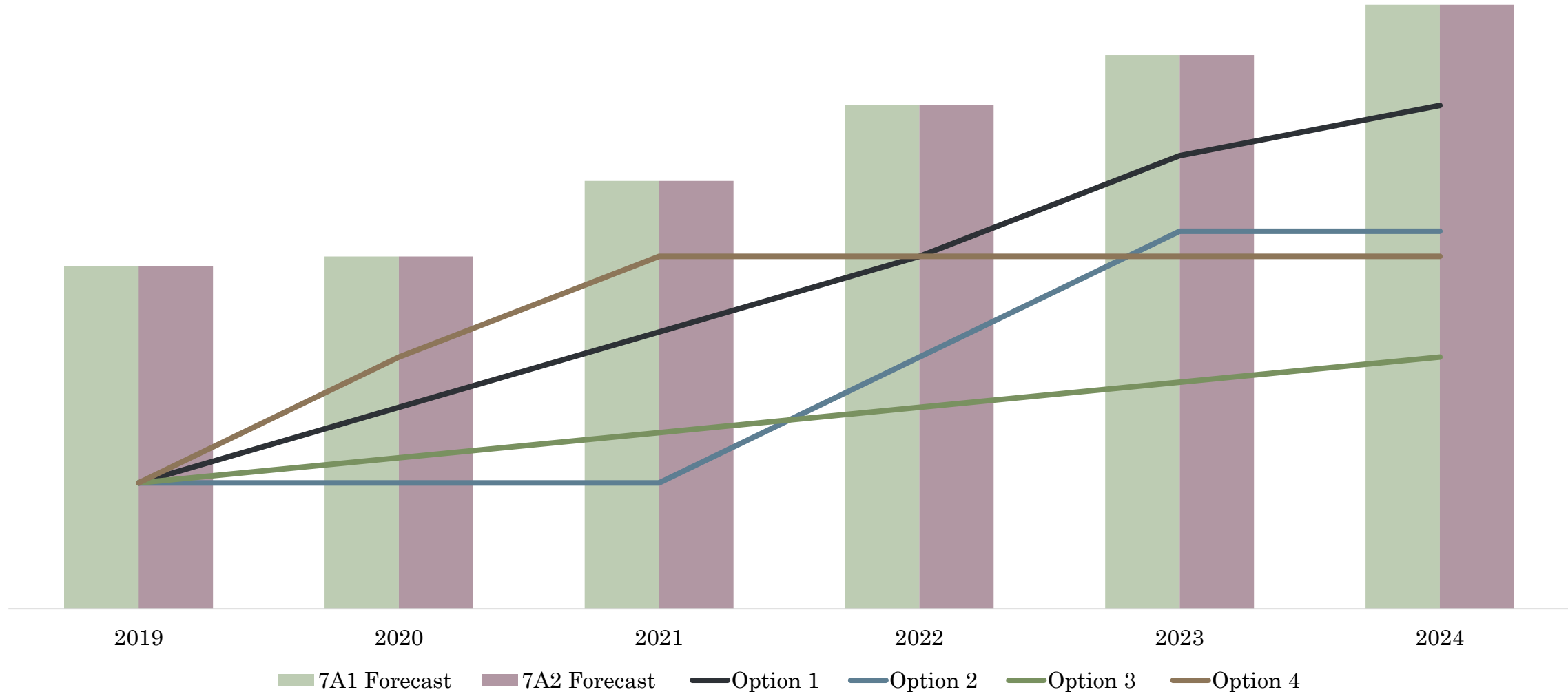


State-to-State Target Comparisons

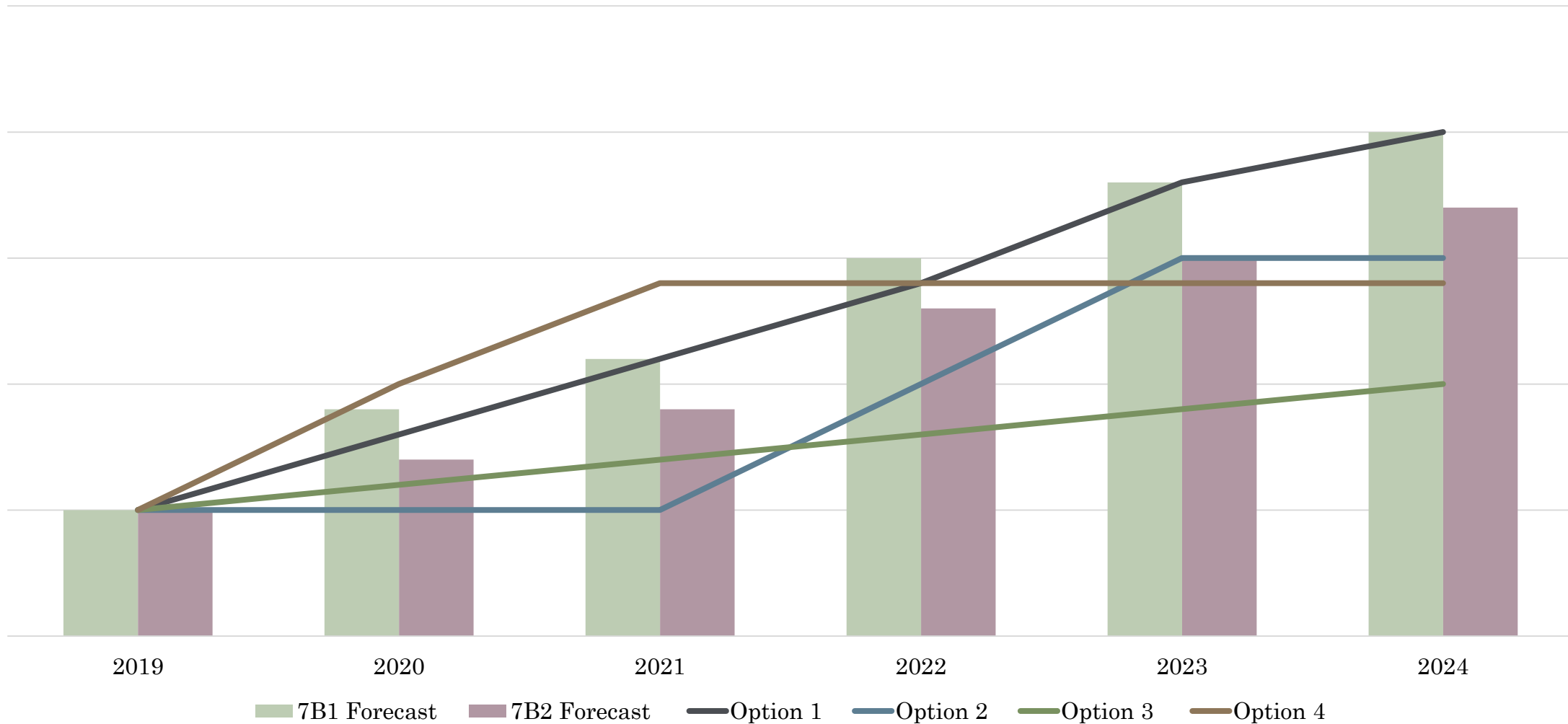
Indicator 7C2 Targets



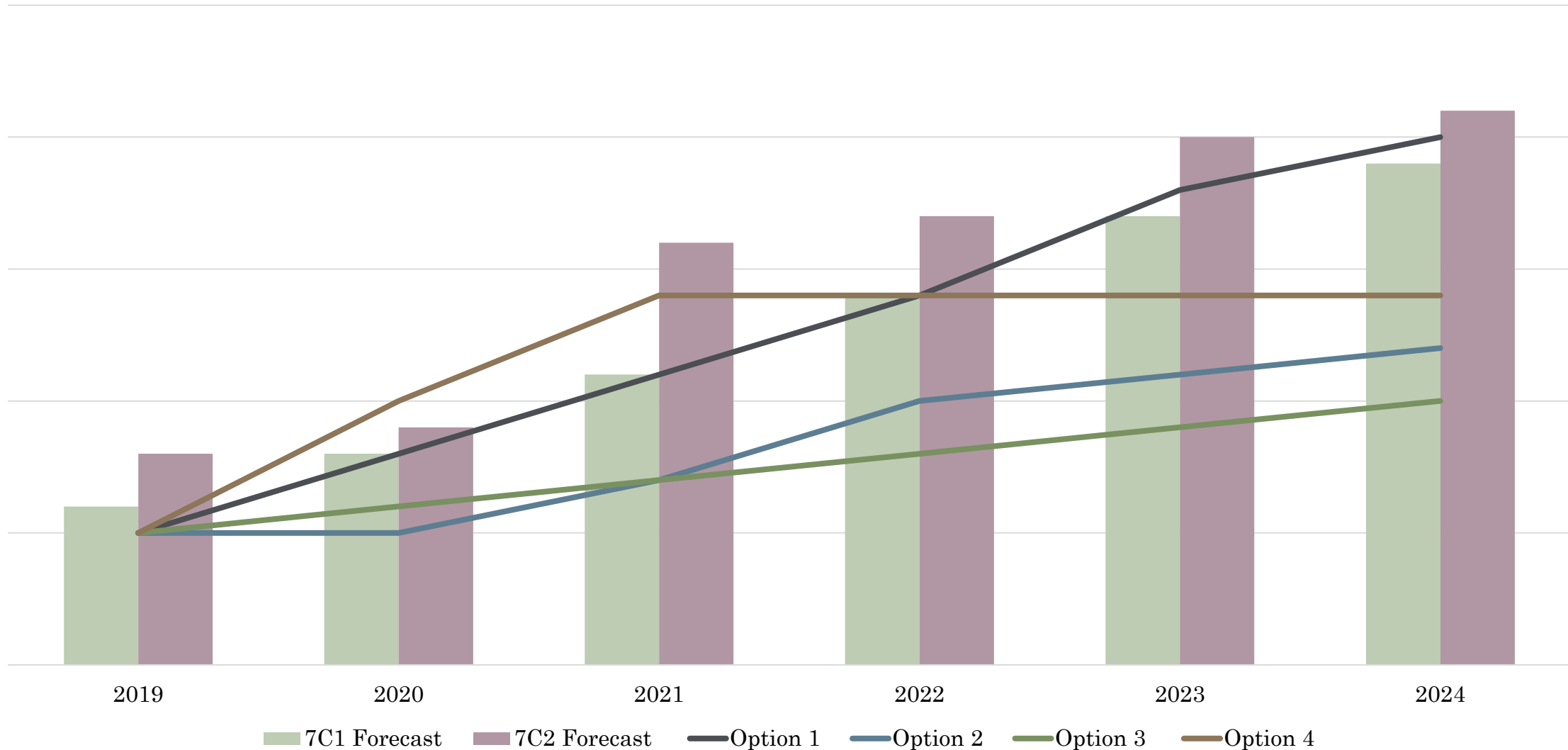
Target Options – Indicator 7A



Target Options – Indicator 7B



Target Options – Indicator 7C



Small Group Discussion

- Use the worksheets at your table.
 - These worksheets will be collected.
- Guided questions are included to get you started.
- Plot out new proposed targets.

Small Group Share Out

What target option(s) did your group prefer and why?
Are there any additional considerations/questions that
arose in your conversation?

BREAK

2:35pm – 2:45pm

Indicator 14

Post School Outcomes

Indicator 14: Post School Outcomes

- Measures the percent of youth who are no longer in secondary school but had IEPs in effect at the time they left school, and were either:
 - 14A: enrolled in higher education within one year of leaving high school;
 - 14B: enrolled in higher education or competitively employed within one year of leaving high school; or
 - 14C: enrolled in higher education or in some other postsecondary education or training program; or competitively employed within one year of leaving high school

Calculation

A. Percent = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school)

divided by

the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

B. Percent = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school)

divided by

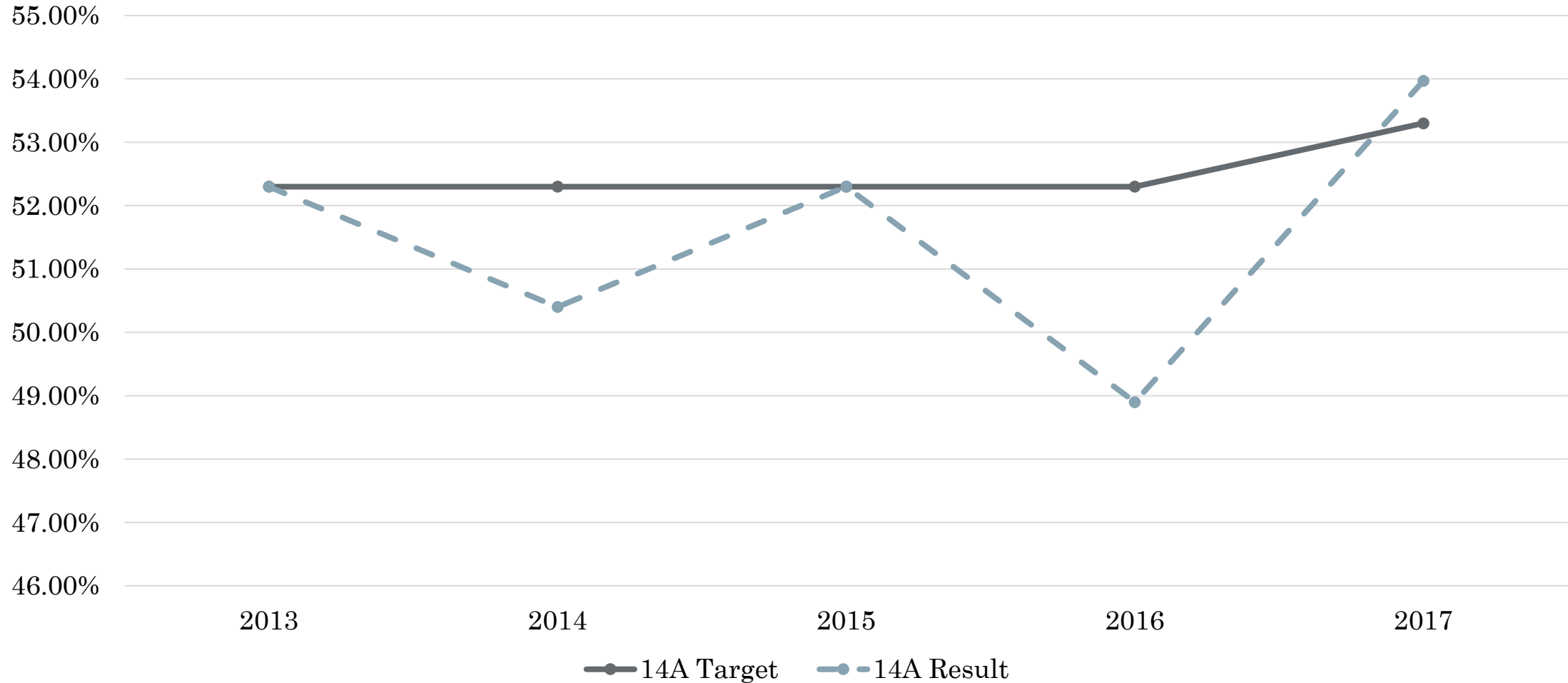
the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

C. Percent = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school)

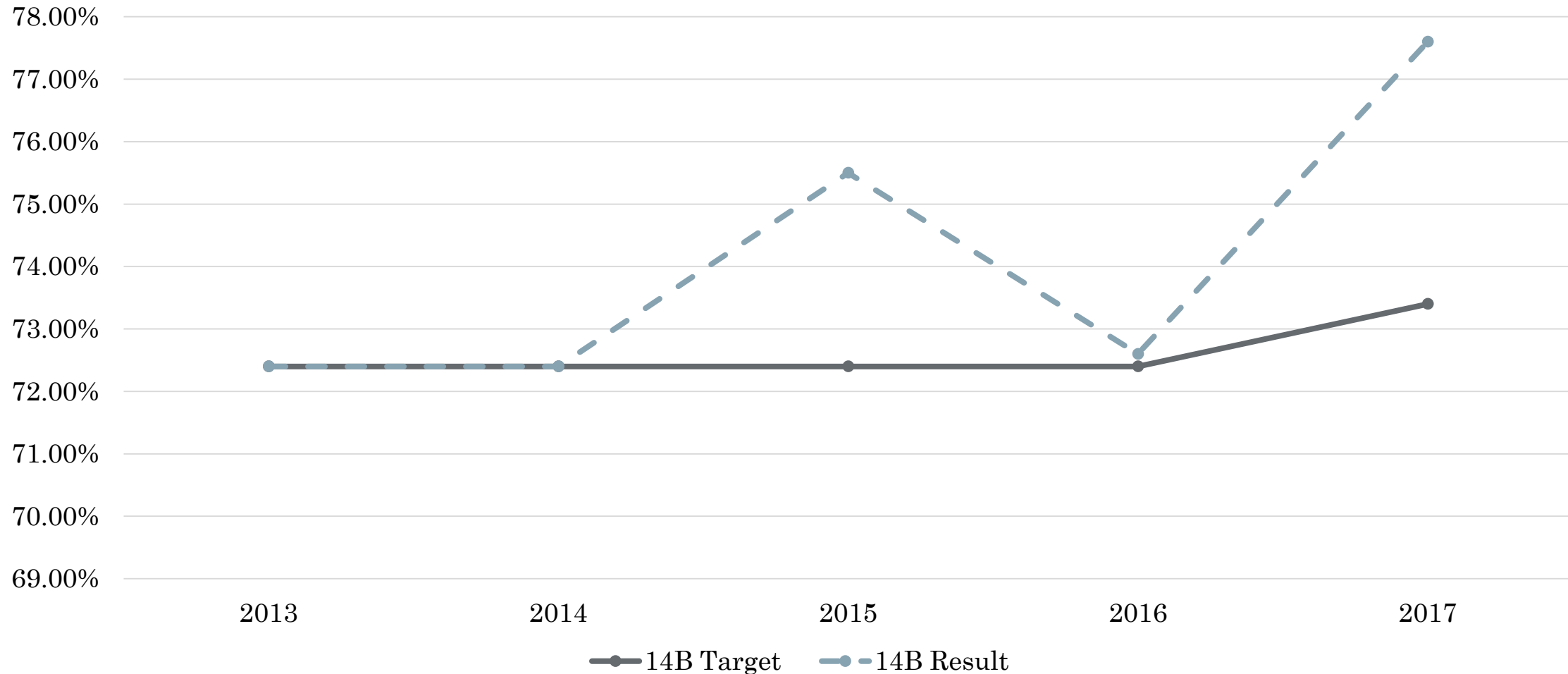
divided by

the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

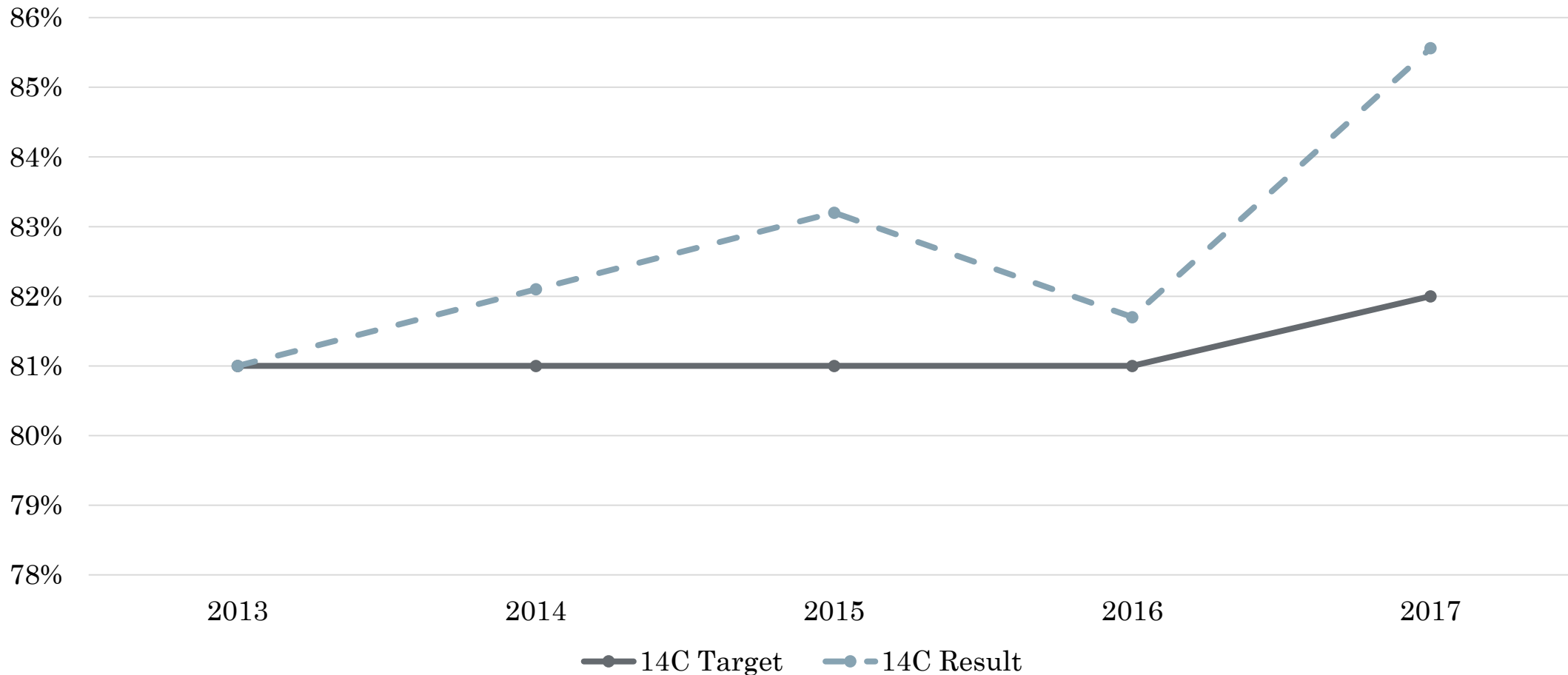
Enrolled in Higher Education The Last 5 Years



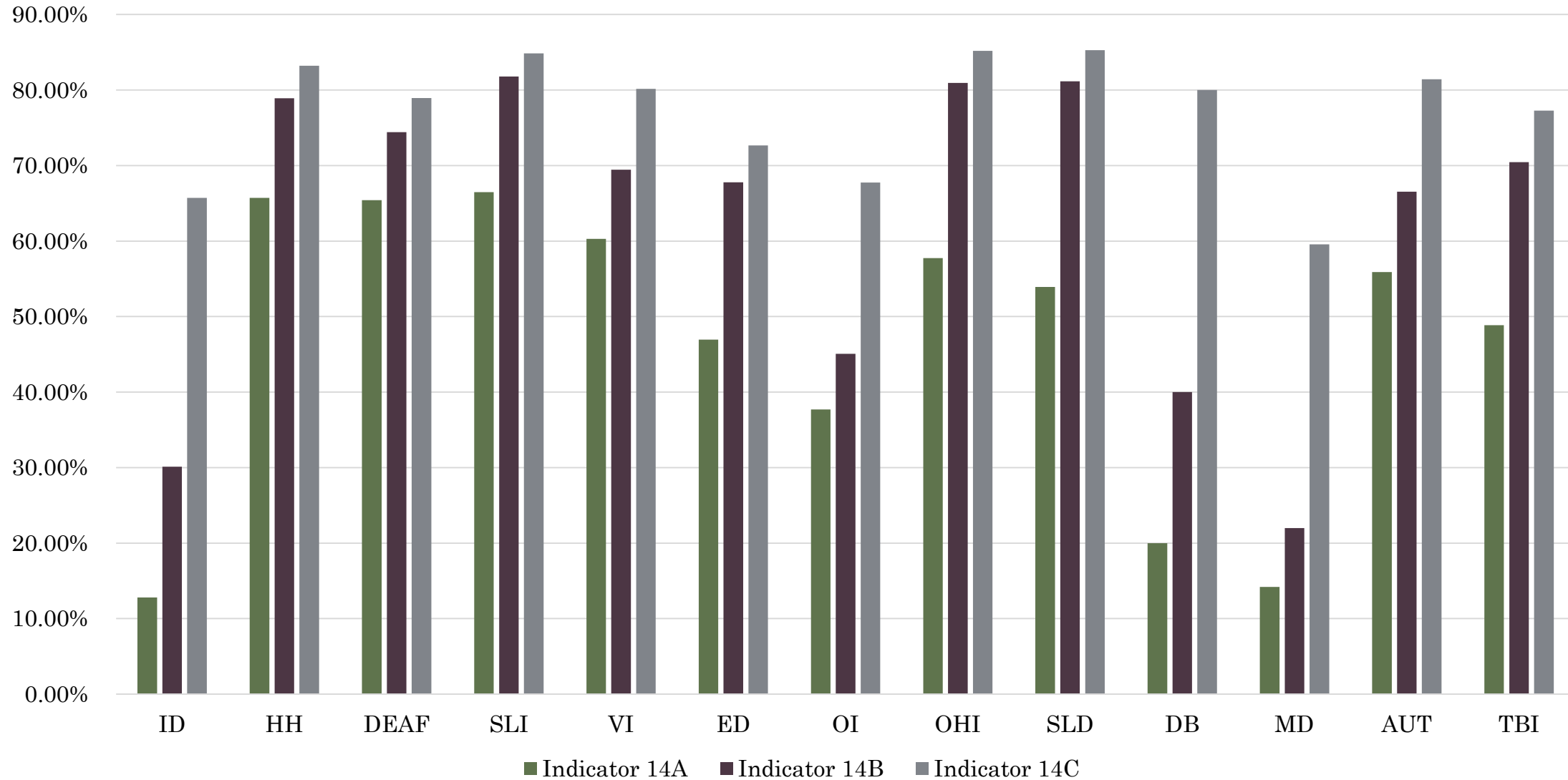
Competitively Employed or Enrolled in Higher Education- The Last 5 Years



Enrolled in Higher Education, Training Program, or Other Employment - The Last 5 Years



Post School Outcomes by Disability

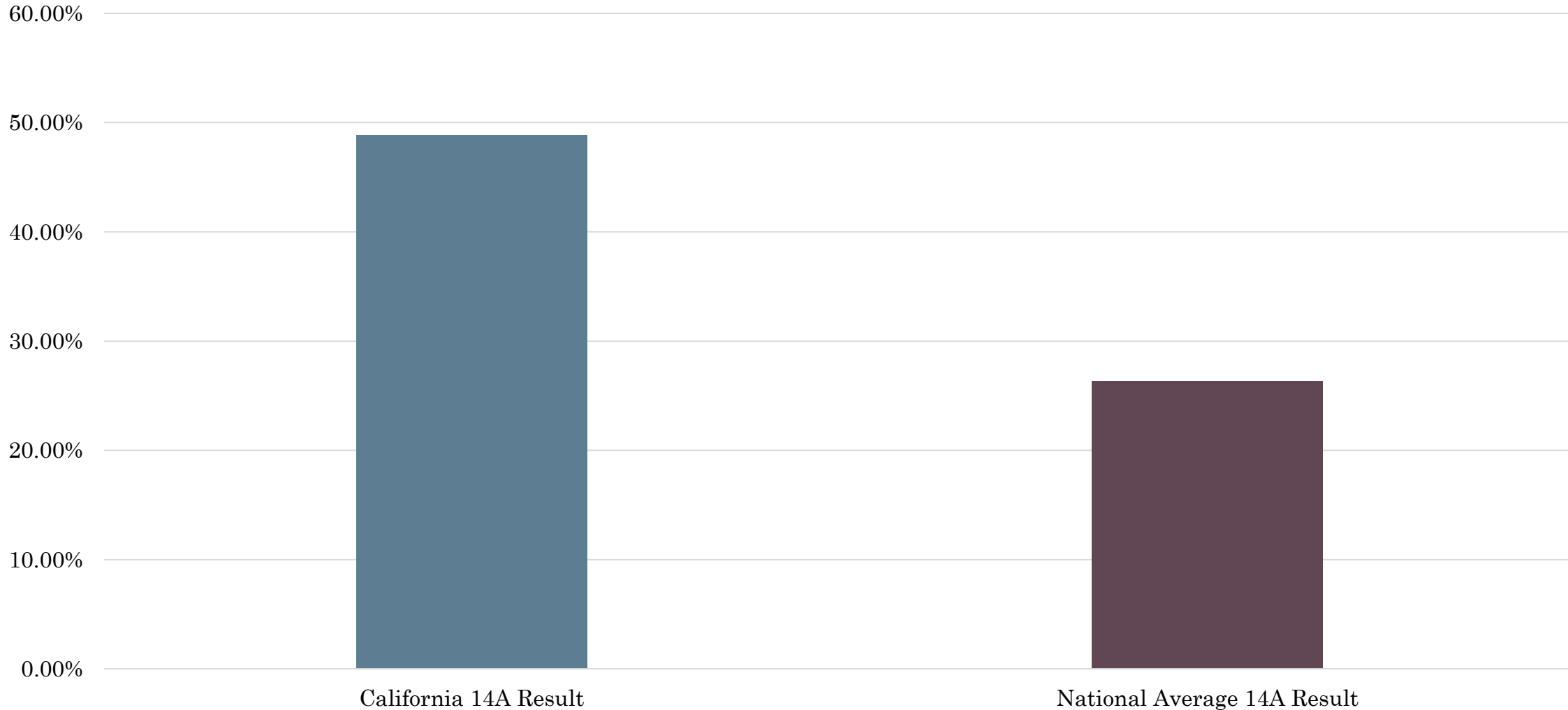


Enrolled in Higher Education – Indicator 14A

Statewide Results

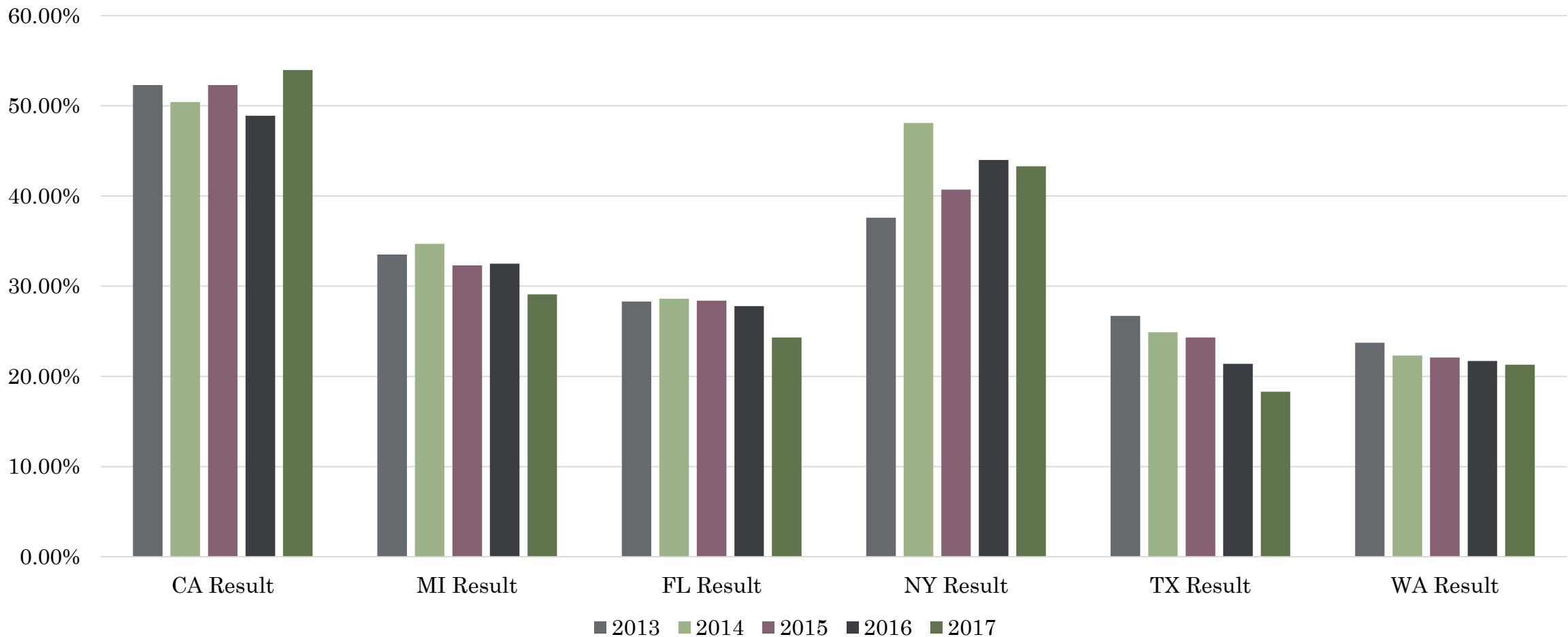
California & National Trends for Indicator 14A

Federal Fiscal Year 2016

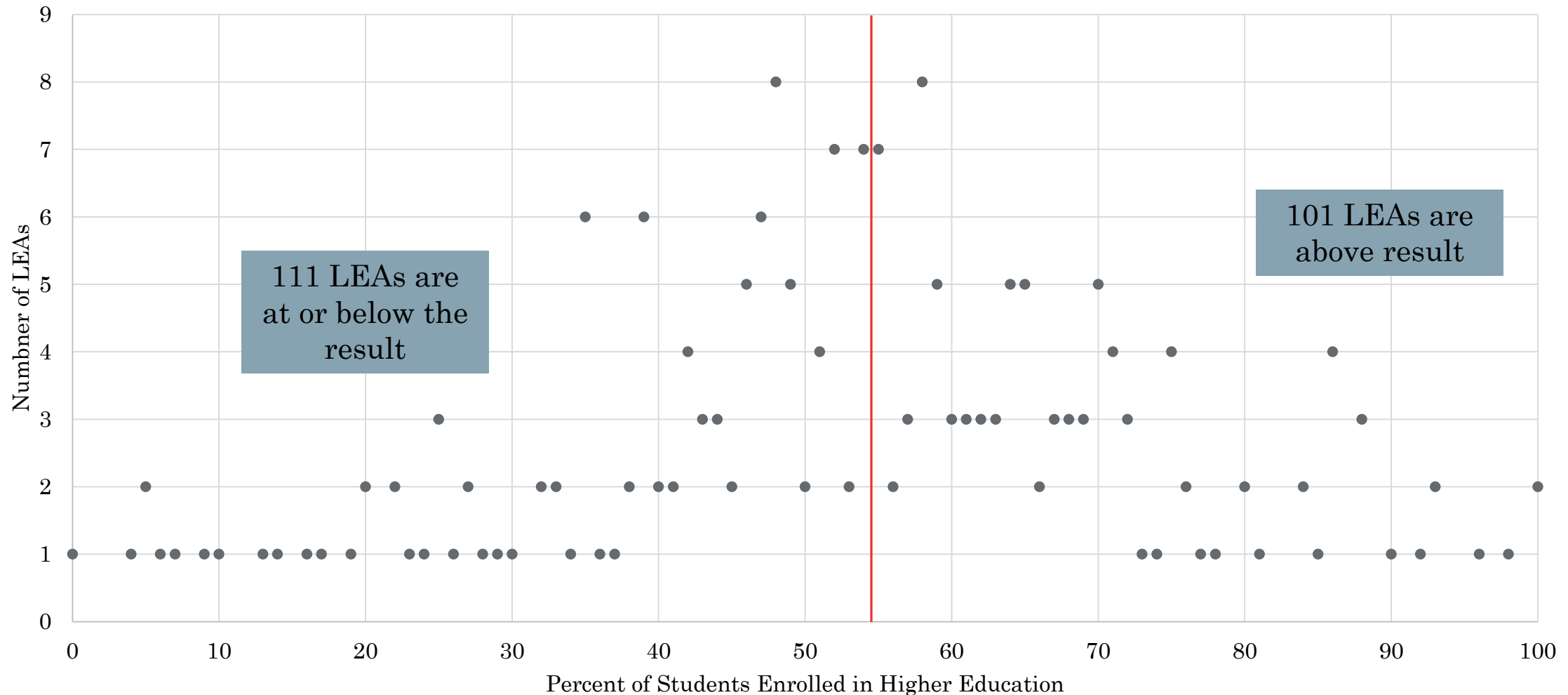


State-to-State 5 Year Results Comparison

Indicator 14A Results



Where Do California Districts Fall?

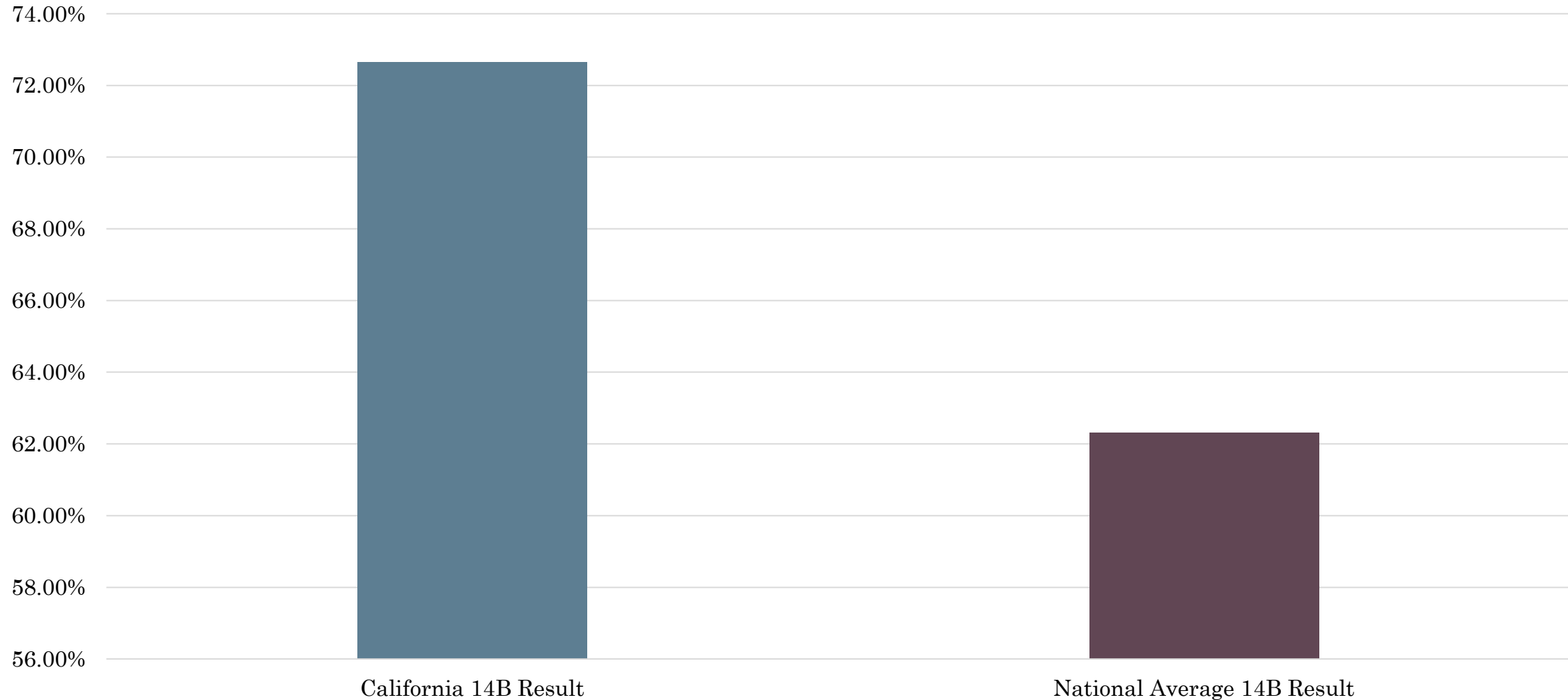


The red line shows the average statewide 2017 result of 54.0%.

Competitively Employed or Enrolled in Higher Education – Indicator 14B Statewide Results

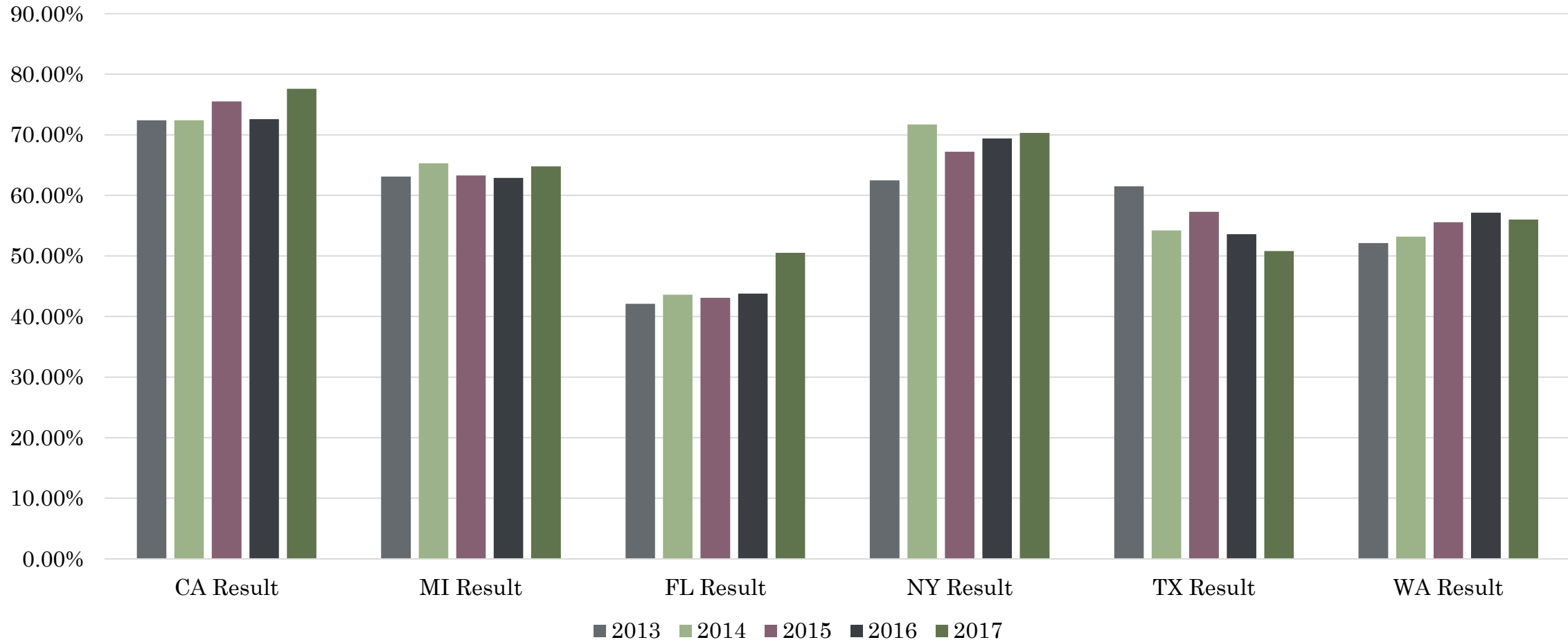
California & National Trends for Indicator 14B

Federal Fiscal Year 2016

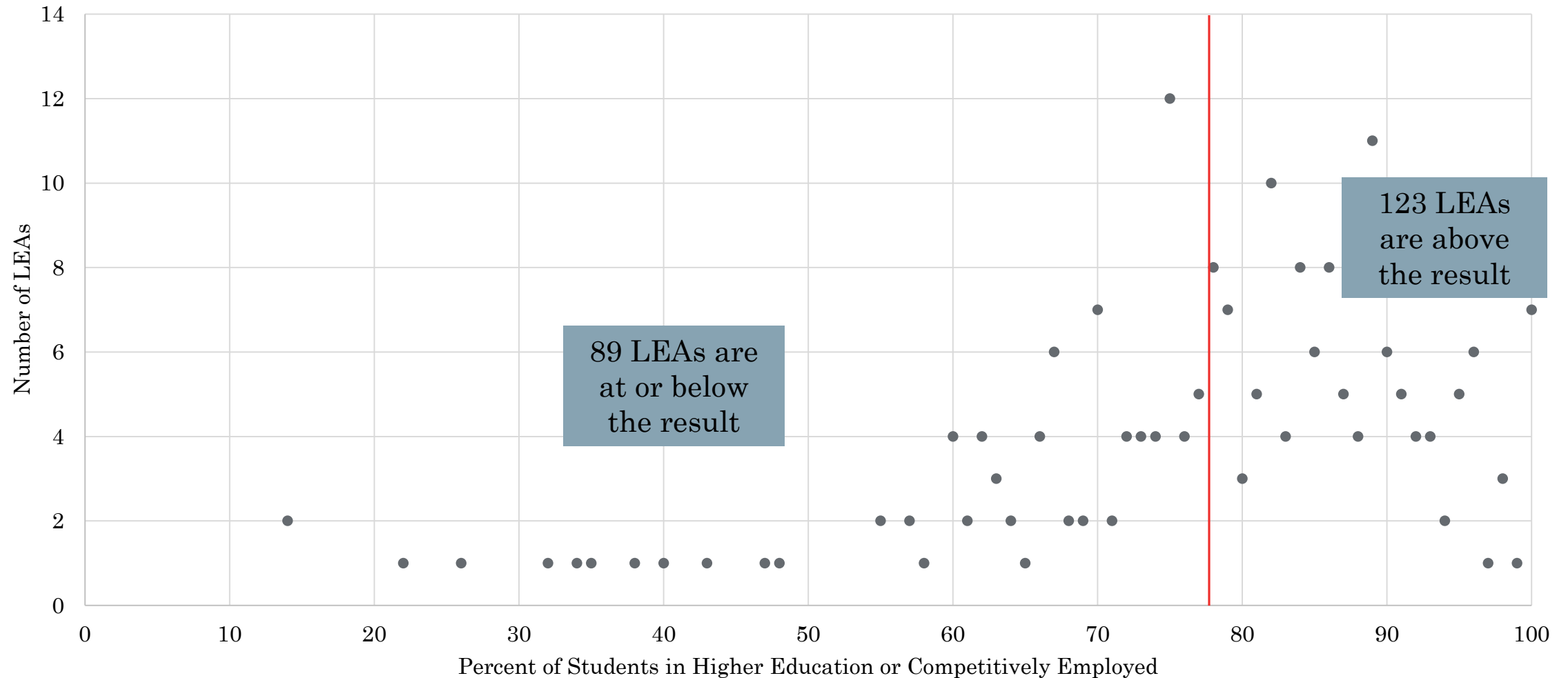


State-to-State 5 Year Results Comparison

Indicator 14B Results



Where Do California Districts Fall?

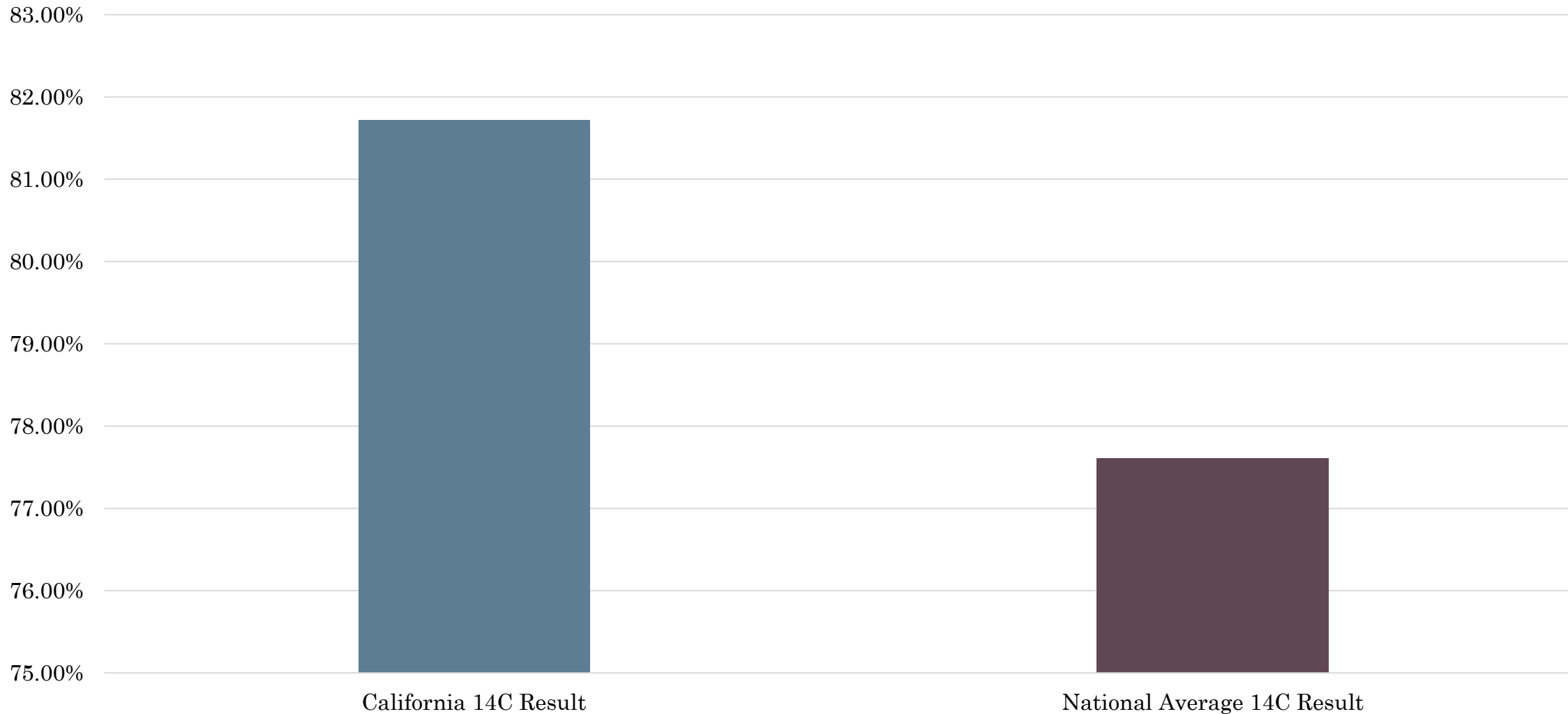


The red line shows the average statewide 2017 result of 77.6%.

Enrolled in Higher Education, Training Program, or Other Employment – Indicator 14C Statewide Results

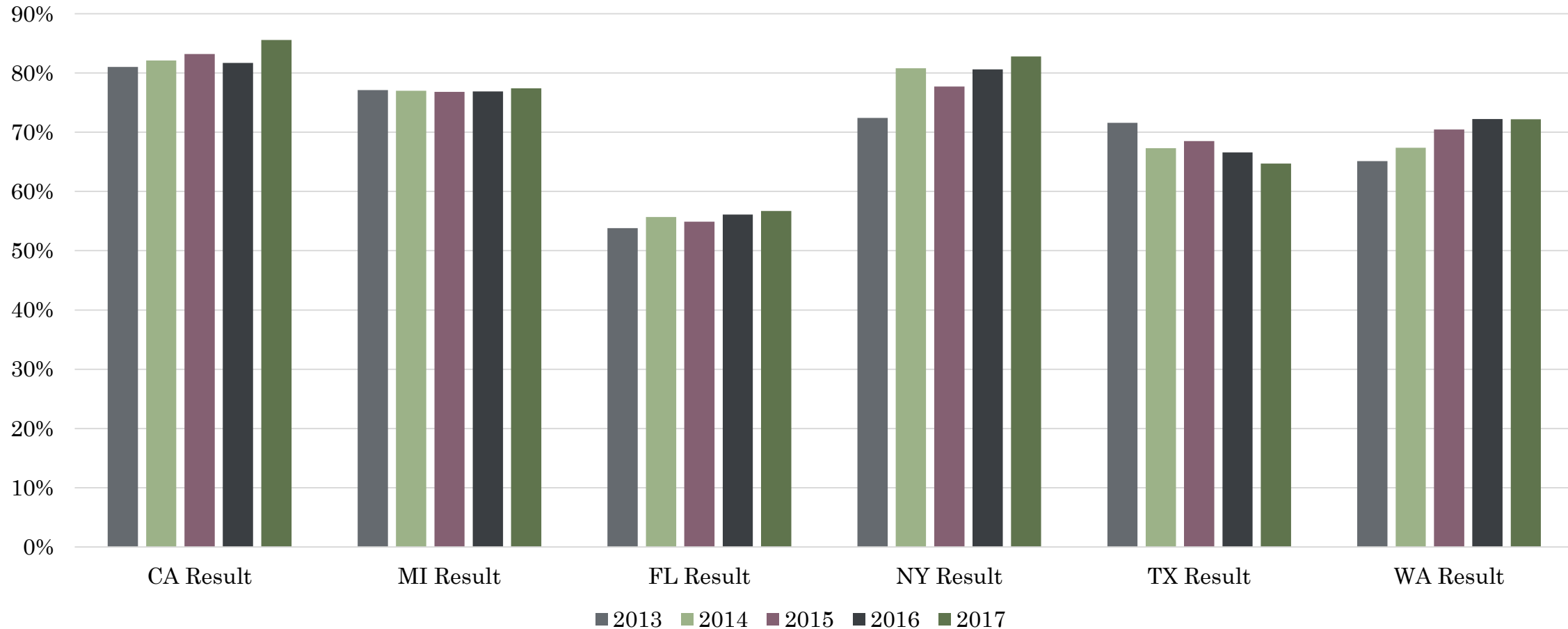
California & National Trends for Indicator 14C

Federal Fiscal Year 2016

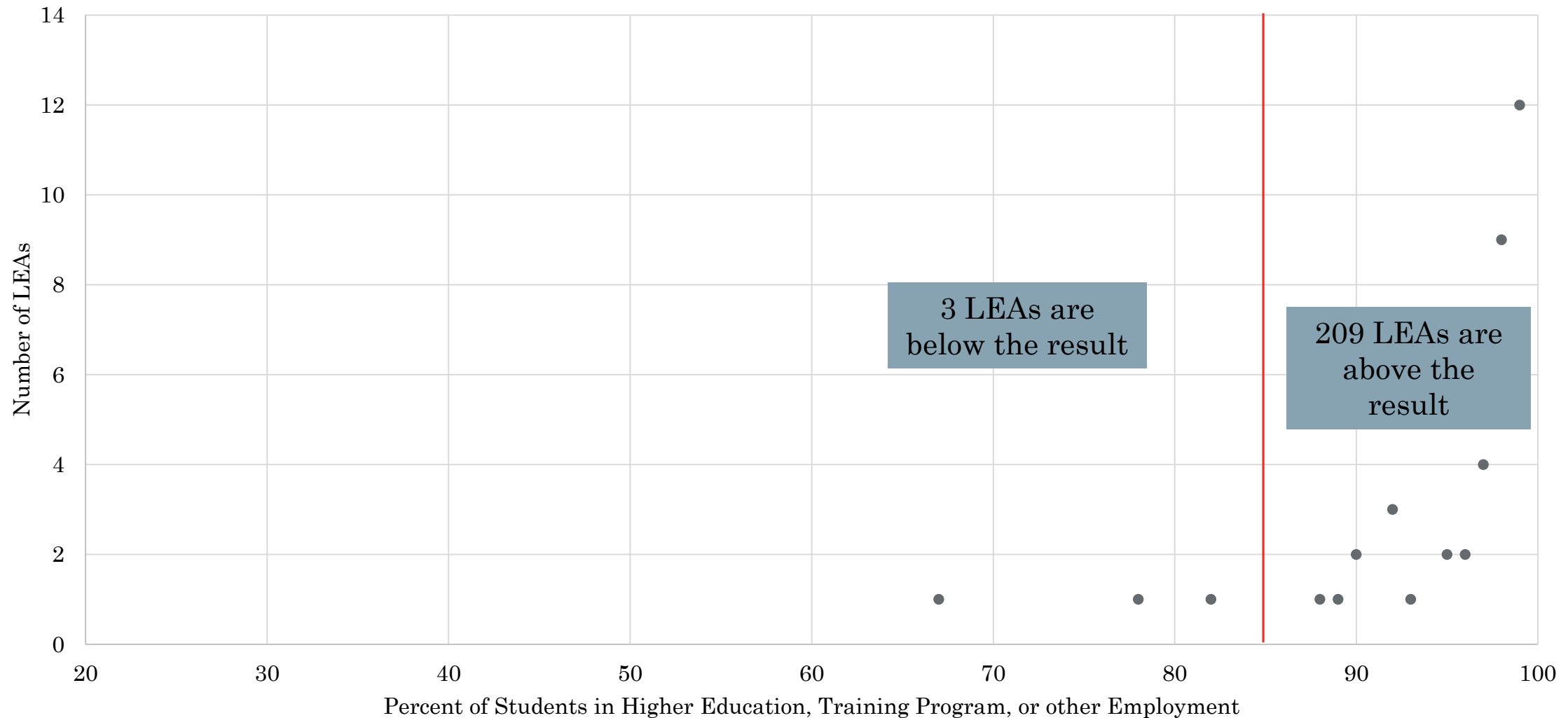


State-to-State 5 Year Results Comparison

Indicator 14C Results



Where Do California Districts Fall?



The red line shows the average statewide 2017 result of 85.6%. Note 172 LEAs that reported 100% were removed.

Quick Discussion

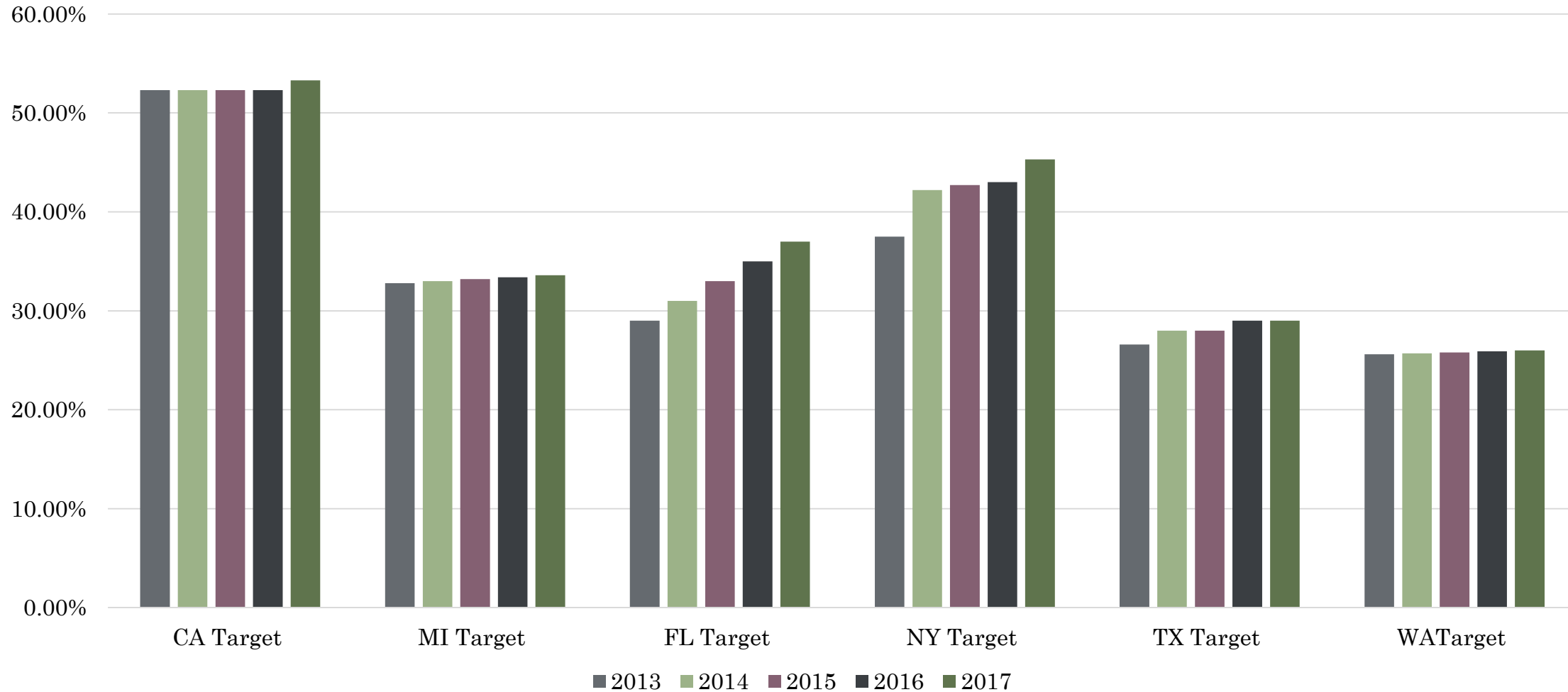
Based on your experience and knowledge, what observations and/or questions do you have about the data you have just reviewed?



Target Comparisons

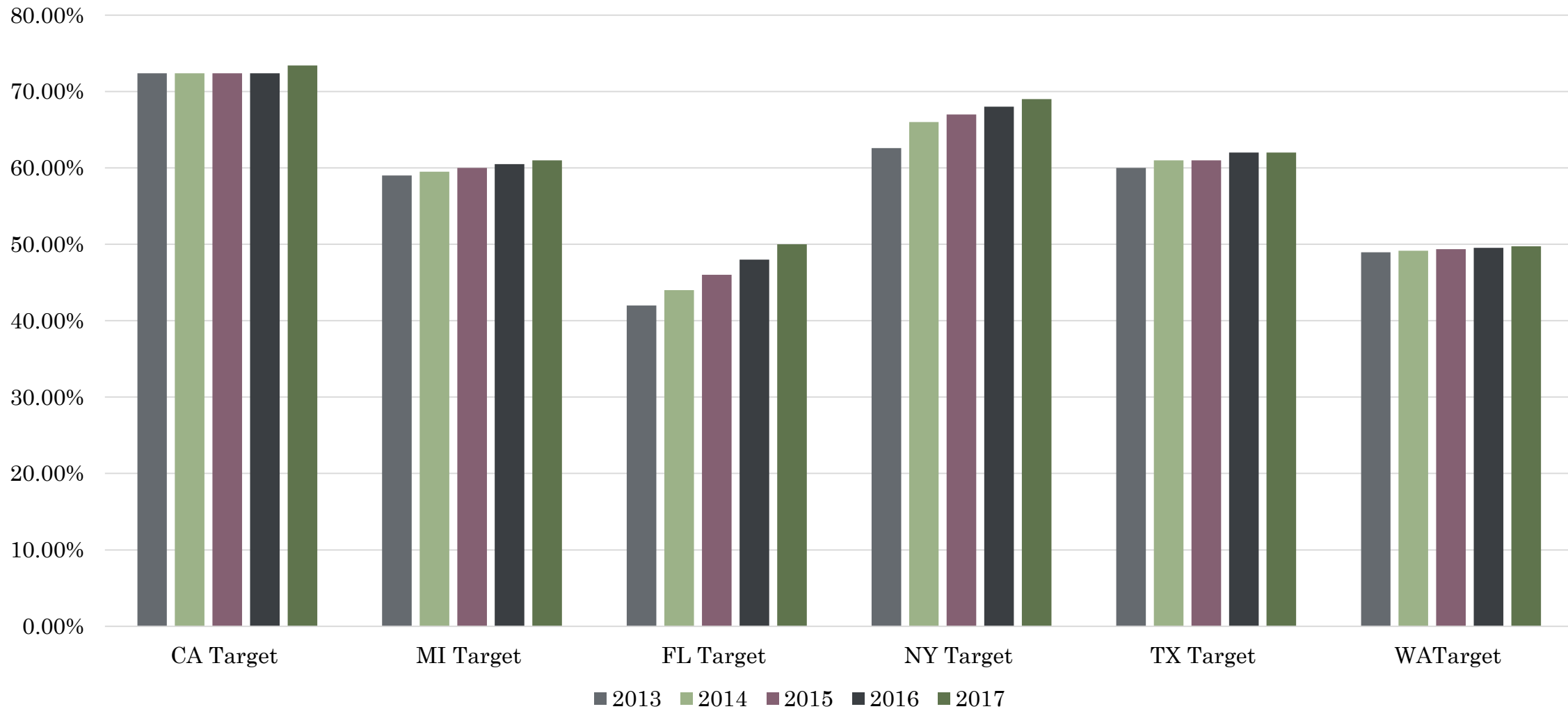
State-to-State Target Comparisons

Indicator 14A Targets



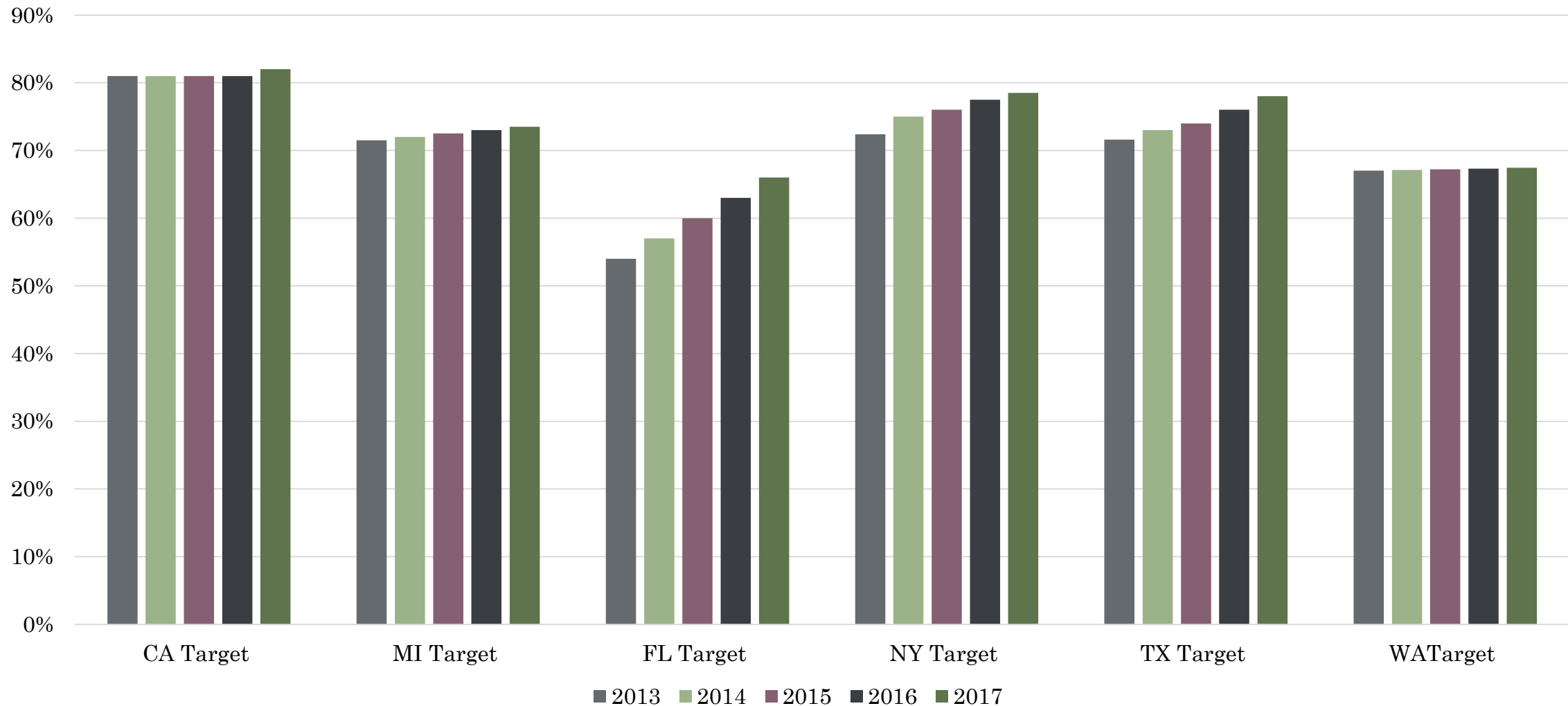
State-to-State Target Comparisons

Indicator 14B Targets

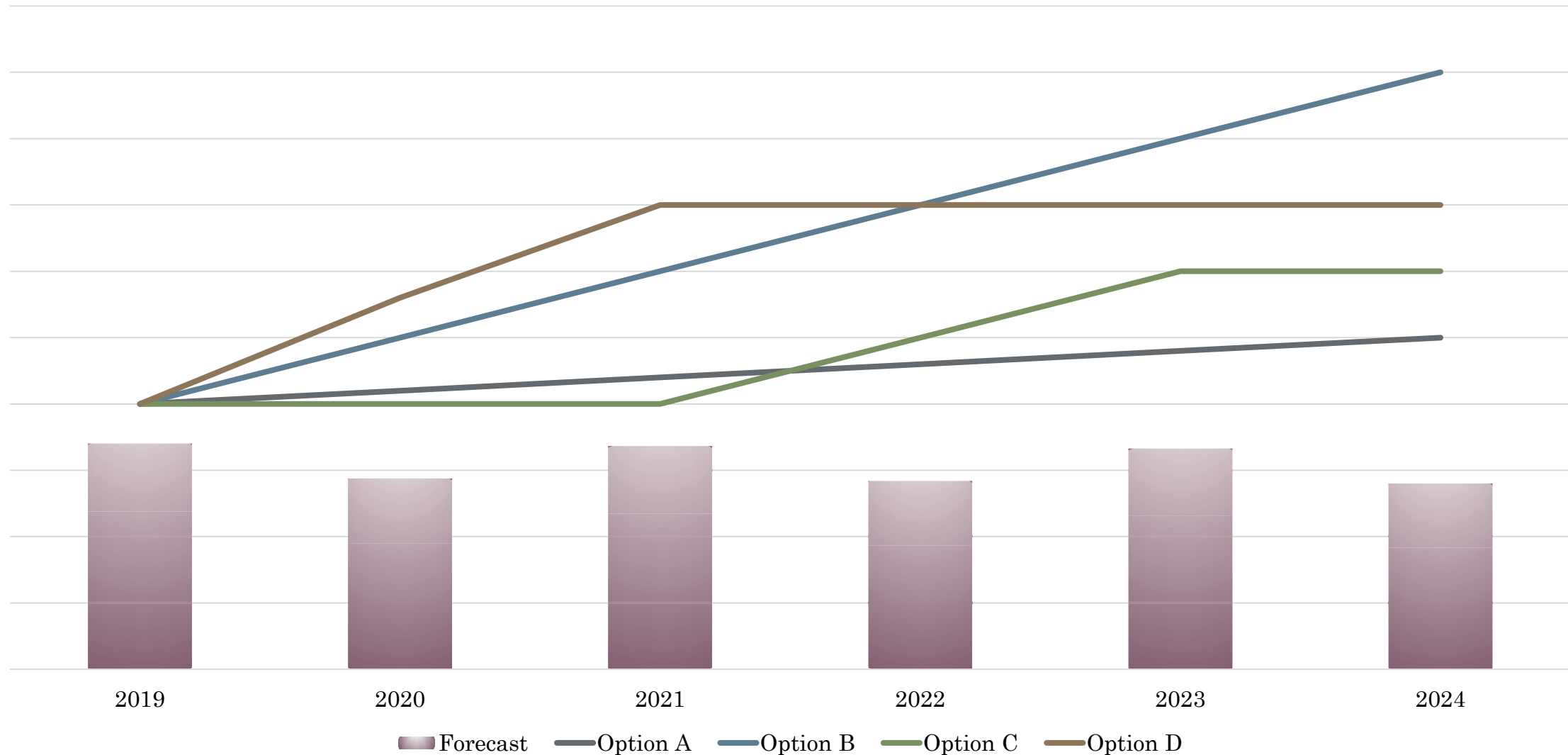


State-to-State Target Comparisons

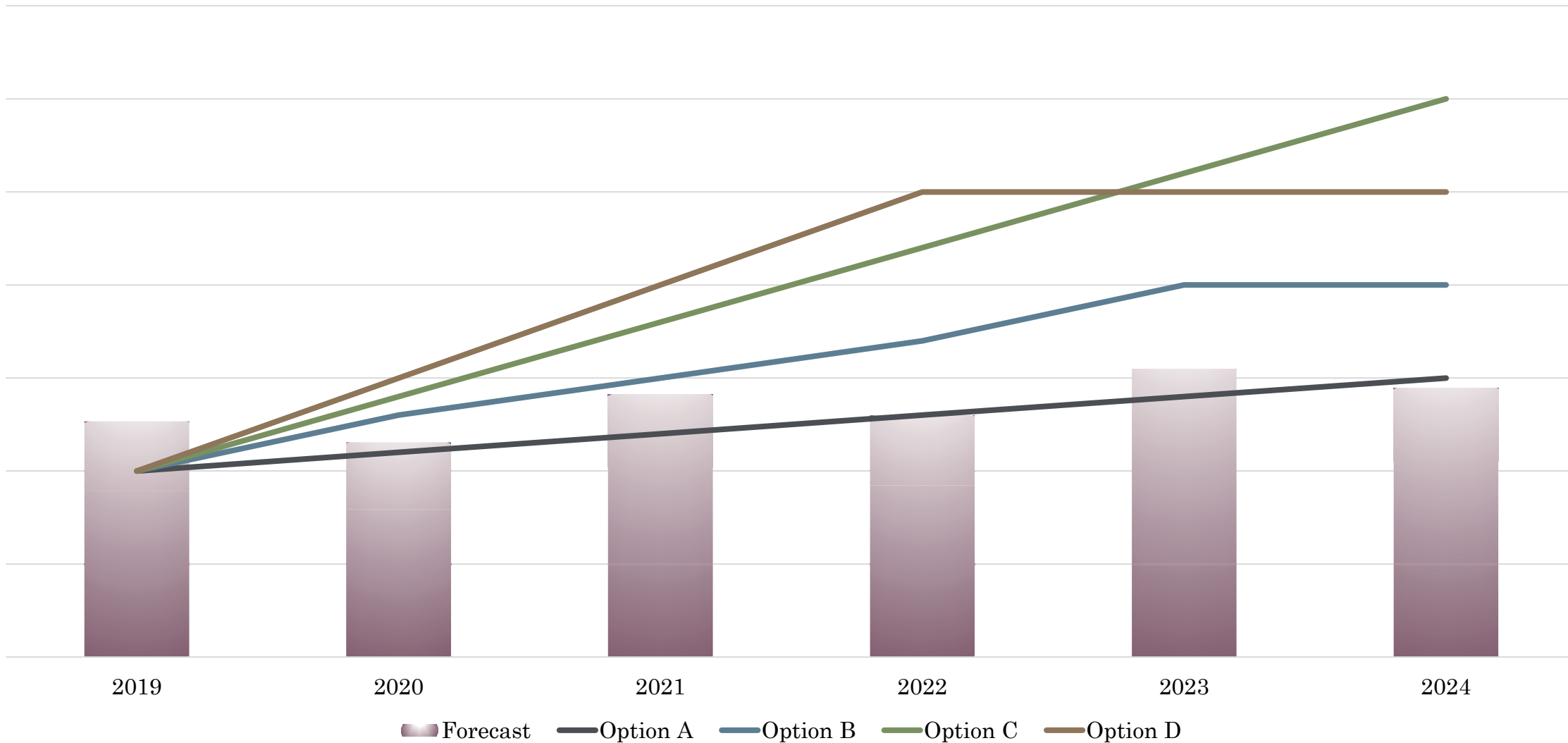
Indicator 14C Targets



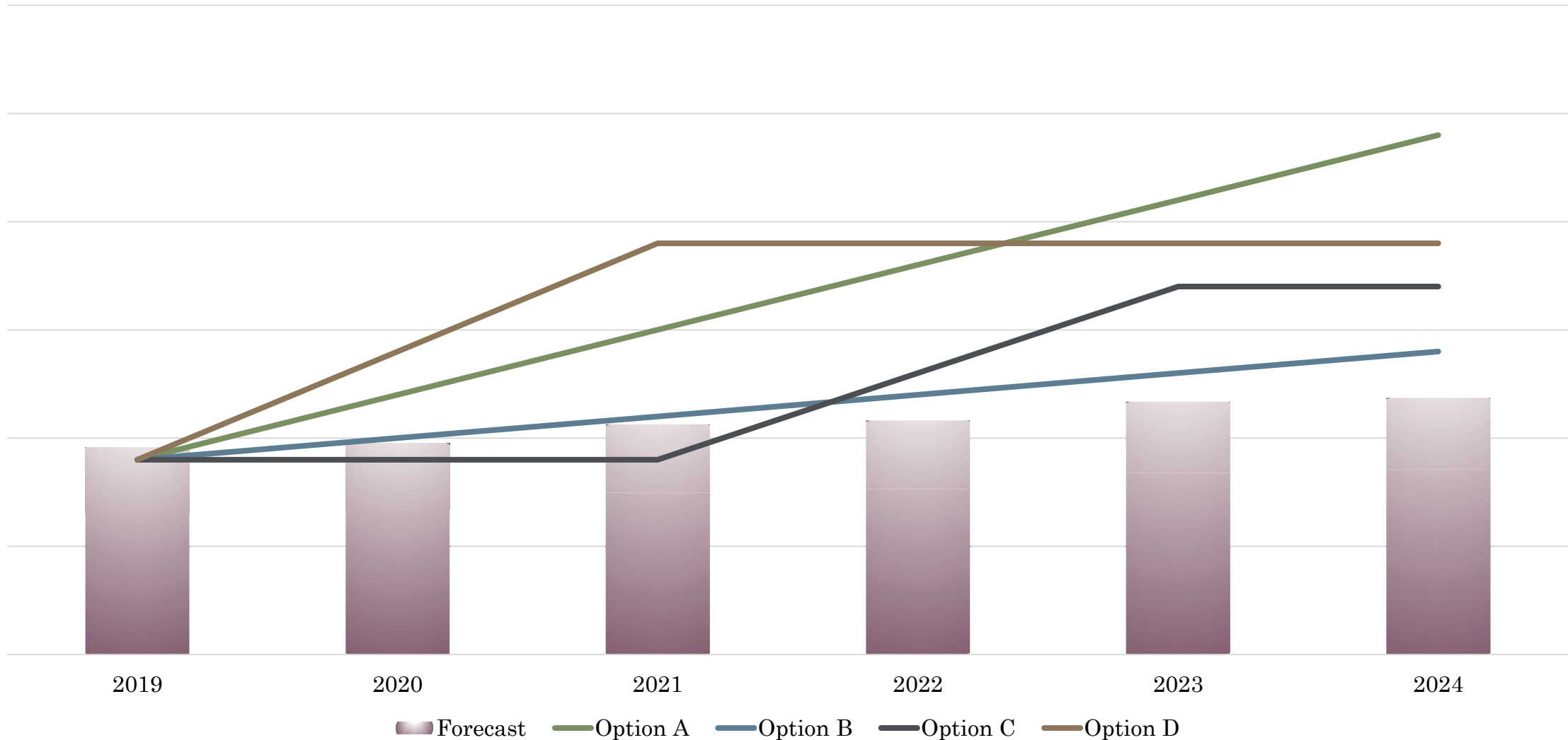
Target Options – Indicator 14A



Target Options – Indicator 14B



Target Options – Indicator 14C



Small Group Discussion

- Use the worksheets at your table.
 - These worksheets will be collected.
- Guided questions are included to get you started.
- Plot out new proposed targets.

Small Group Share Out

What target option(s) did your group prefer and why?

Conclusion

Closing

- Thank you for your participation today!

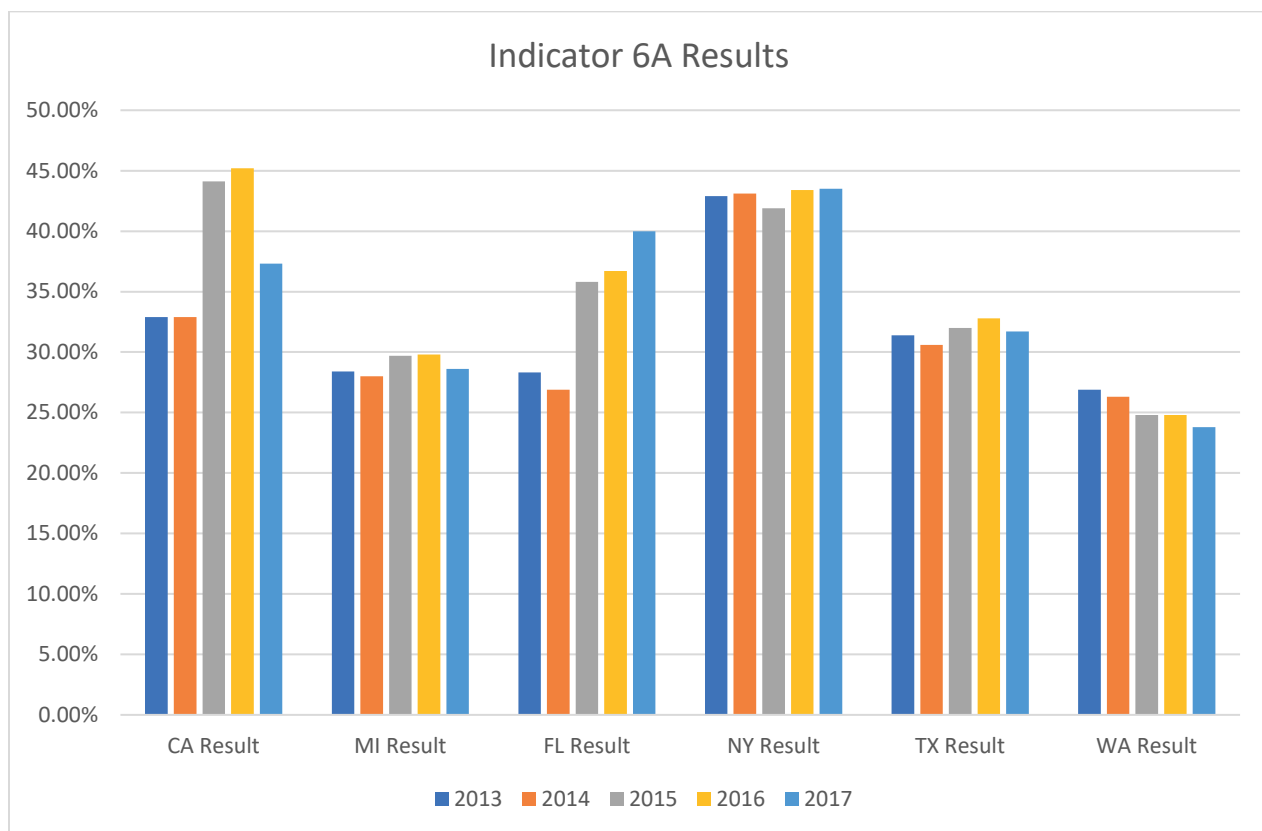
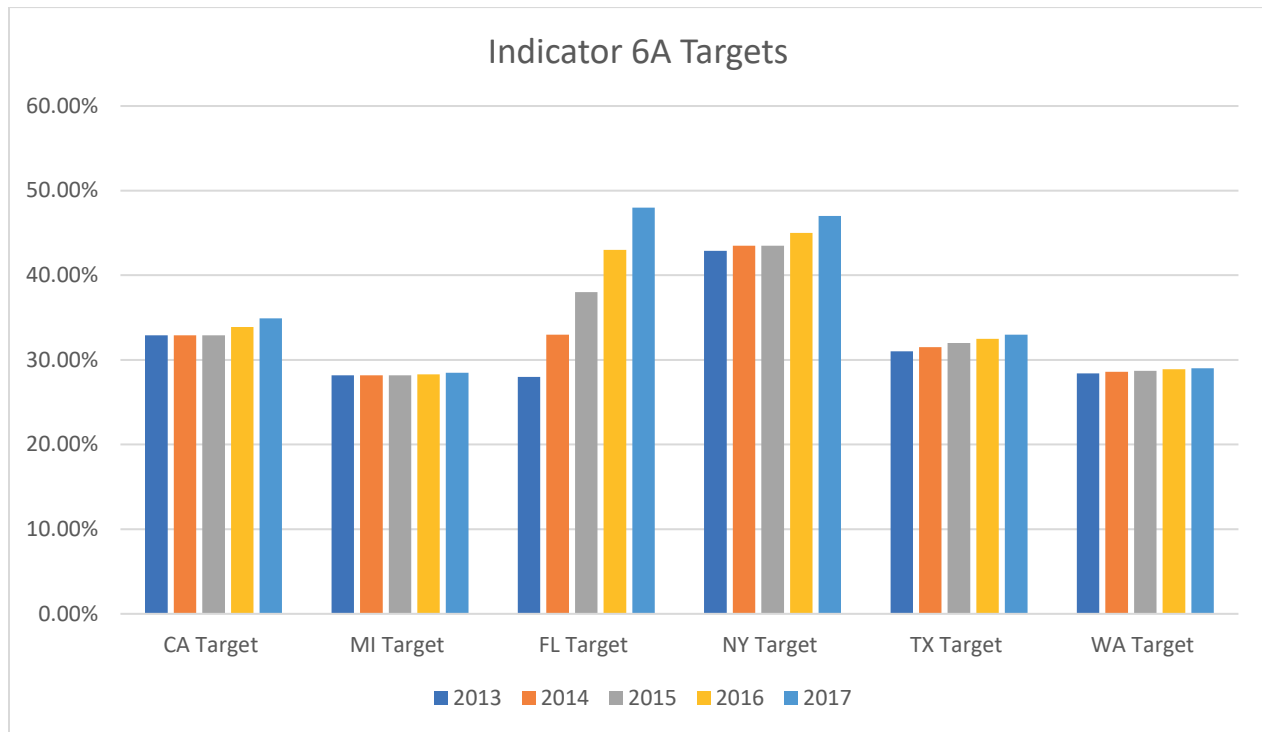
Evaluation

- What worked about today's meeting?
- What can be improved for our next meeting?

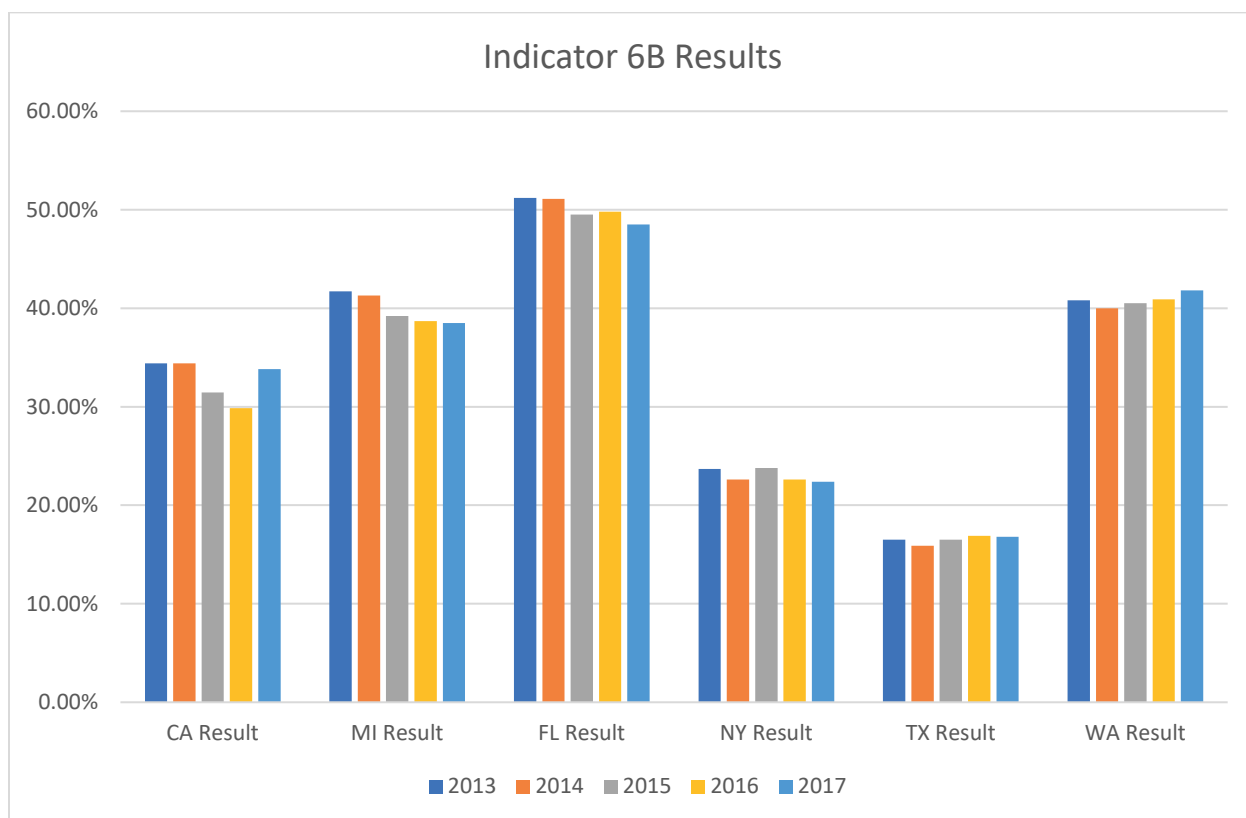
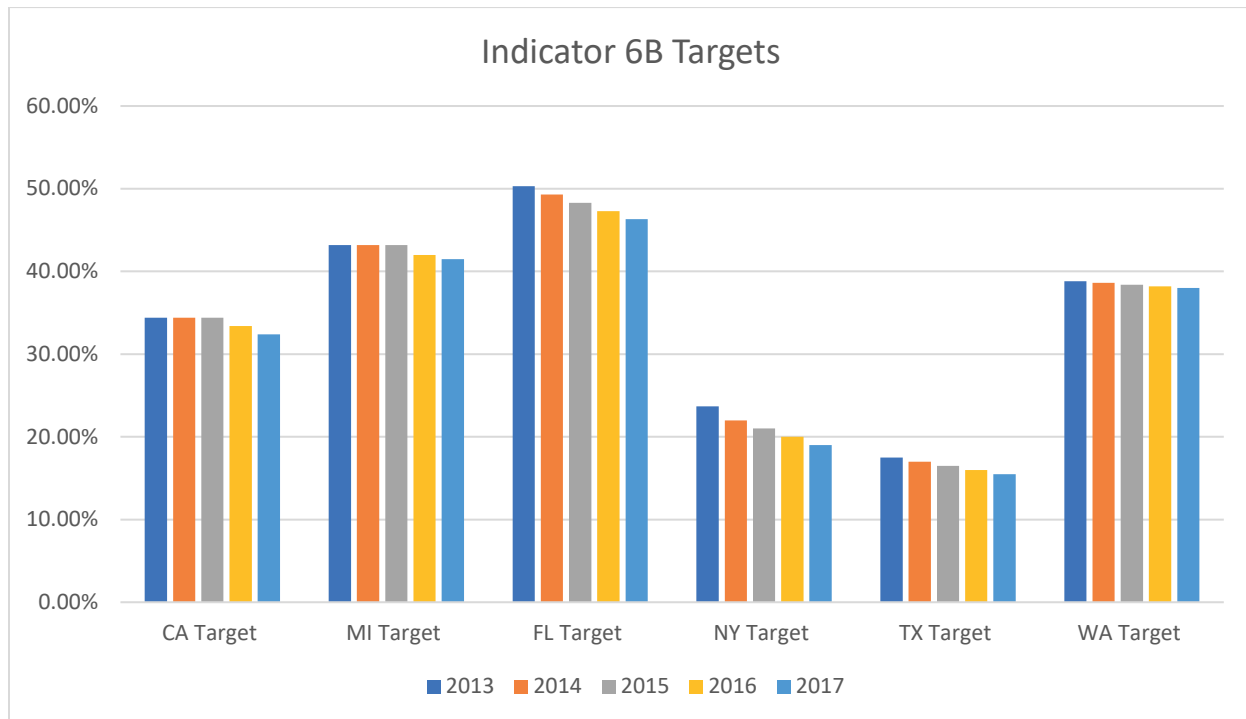
Next Steps

- What will happen to your input?

INDICATOR 6 A-B STATE-TO-STATE COMPARISON CHARTS



INDICATOR 6 A-B STATE-TO-STATE COMPARISON CHARTS



INDICATOR 6 A-B STATE-TO-STATE COMPARISONS

Indicator 6A Target	2013	2014	2015	2016	2017
CA Target	32.90%	32.90%	32.90%	33.90%	34.90%
MI Target	28.20%	28.20%	28.20%	28.30%	28.50%
FL Target	28.00%	33.00%	38.00%	43.00%	48.00%
NY Target	42.90%	43.50%	43.50%	45.00%	47.00%
TX Target	31.00%	31.50%	32.00%	32.50%	33.00%
WA Target	28.40%	28.60%	28.70%	28.90%	29.00%

Indicator 6A Result	2013	2014	2015	2016	2017
CA Result	32.90%	32.90%	44.13%	45.19%	37.32%
MI Result	28.40%	28.00%	29.70%	29.80%	28.60%
FL Result	28.33%	26.90%	35.80%	36.70%	40.00%
NY Result	42.90%	43.10%	41.90%	43.40%	43.50%
TX Result	31.40%	30.60%	32.00%	32.80%	31.70%
WA Result	26.90%	26.30%	24.80%	24.80%	23.80%

INDICATOR 6 A-B STATE-TO-STATE COMPARISONS

Indicator 6B Target	2013	2014	2015	2016	2017
CA Target	34.40%	34.40%	34.40%	33.40%	32.40%
MI Target	43.20%	43.20%	43.20%	42.00%	41.50%
FL Target	50.30%	49.30%	48.30%	47.30%	46.30%
NY Target	23.70%	22.00%	21.00%	20.00%	19.00%
TX Target	17.50%	17.00%	16.50%	16.00%	15.50%
WA Target	38.80%	38.60%	38.40%	38.20%	38.00%

Indicator 6B Result	2013	2014	2015	2016	2017
CA Result	34.40%	34.40%	31.45%	29.86%	33.81%
MI Result	41.73%	41.30%	39.20%	38.70%	38.50%
FL Result	51.20%	51.10%	49.50%	49.80%	48.50%
NY Result	23.70%	22.60%	23.80%	22.60%	22.40%
TX Result	16.50%	15.90%	16.50%	16.90%	16.80%
WA Result	40.80%	40.00%	40.50%	40.90%	41.80%

INDICATOR WORKSHEET

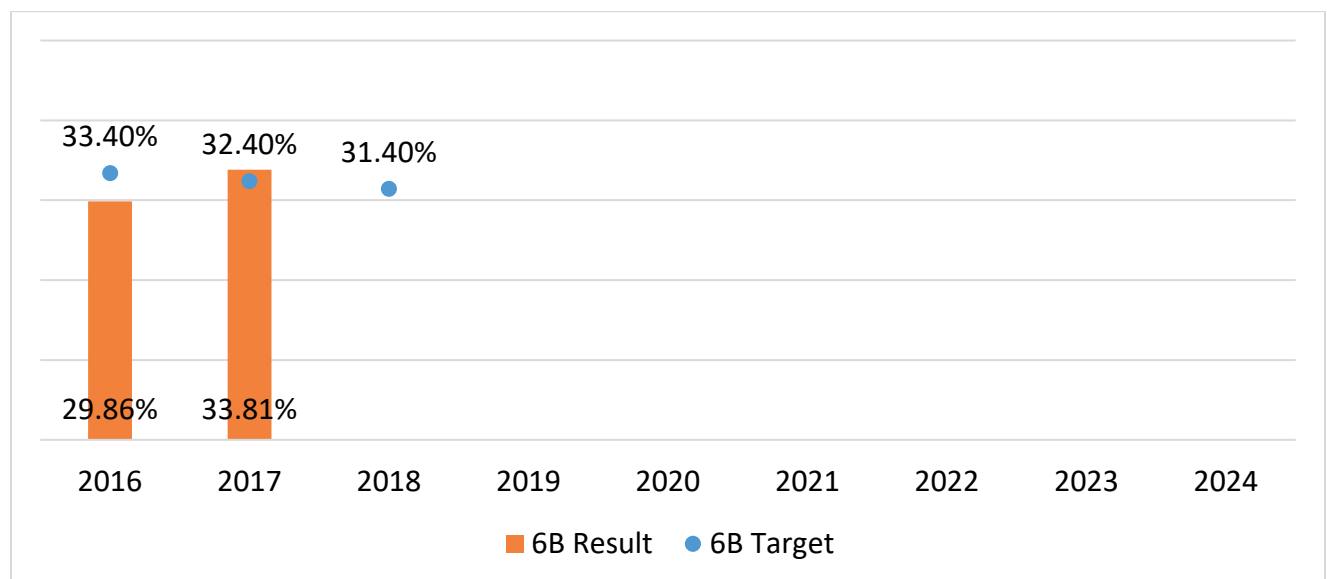
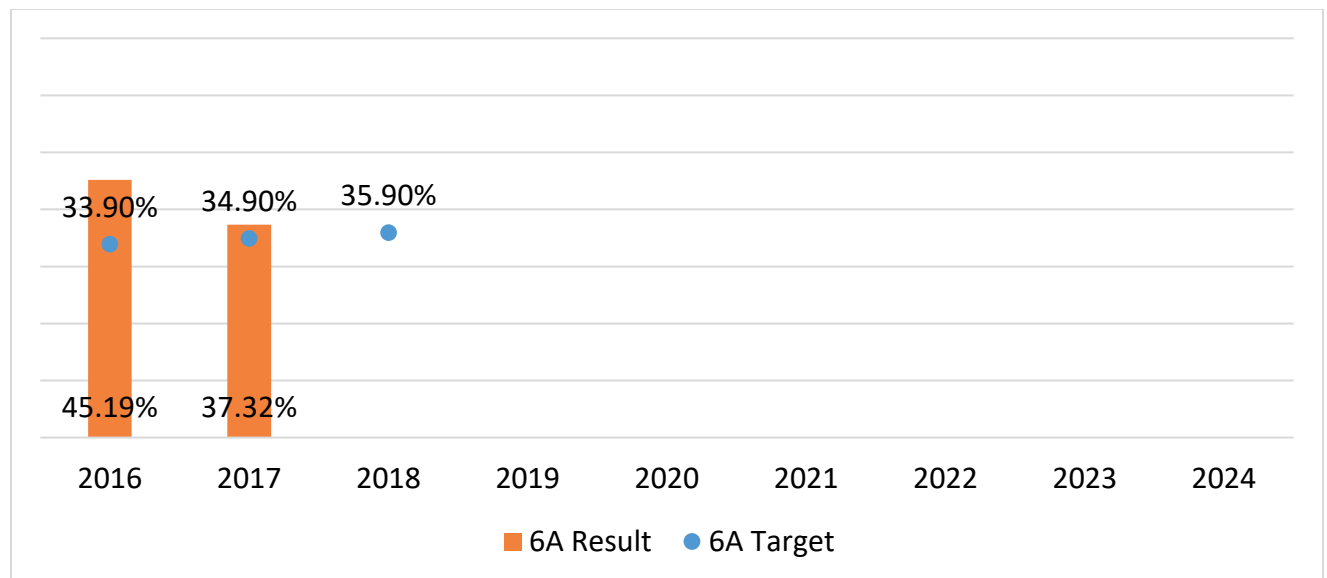
INDICATOR 6 PRESCHOOL LEAST RESTRICTIVE ENVIRONMENT

Instructions

- We will be collecting one worksheet per table to record stakeholder engagement.
- Use the questions below to discuss indicator targets and mark the proposed targets on the included chart.

Guiding Questions

- How can newly set SPP targets encourage local educational agencies to increase access for students with disabilities to instruction in the general education setting, increase achievement and improve overall outcomes?
- Should the targets be more ambitious? If so, should targets be set higher from the onset of the new six-year cycle or increase incrementally over time?



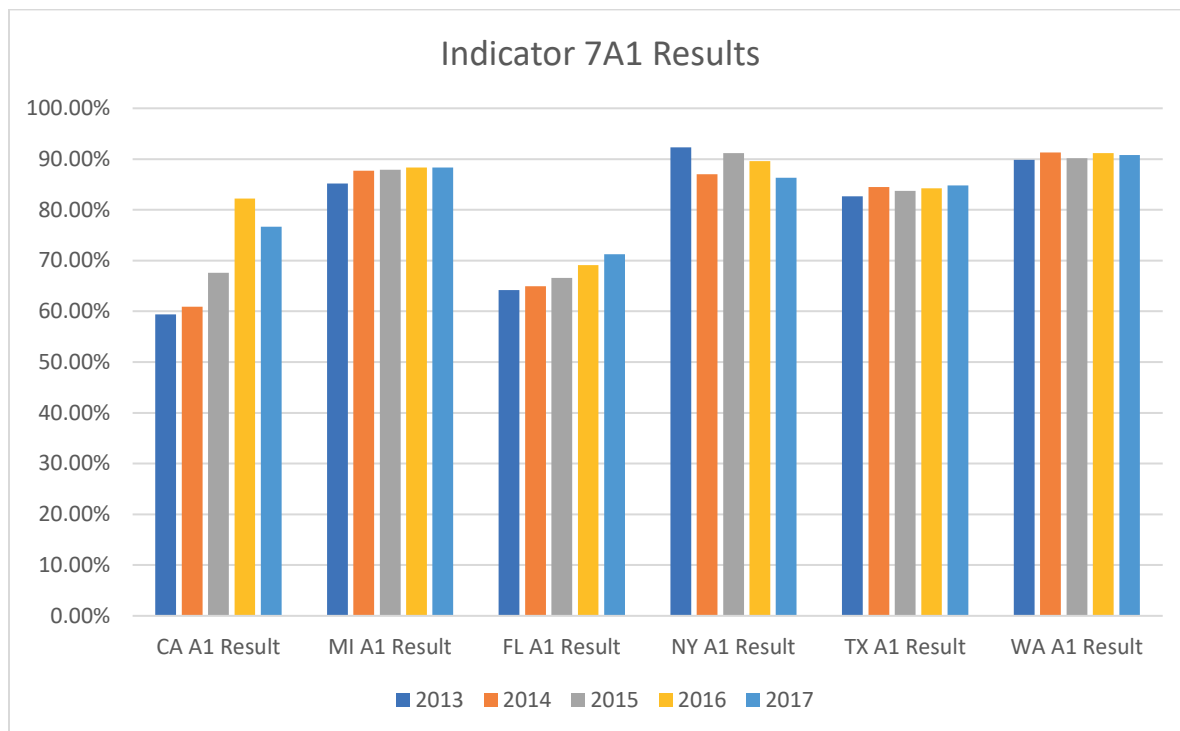
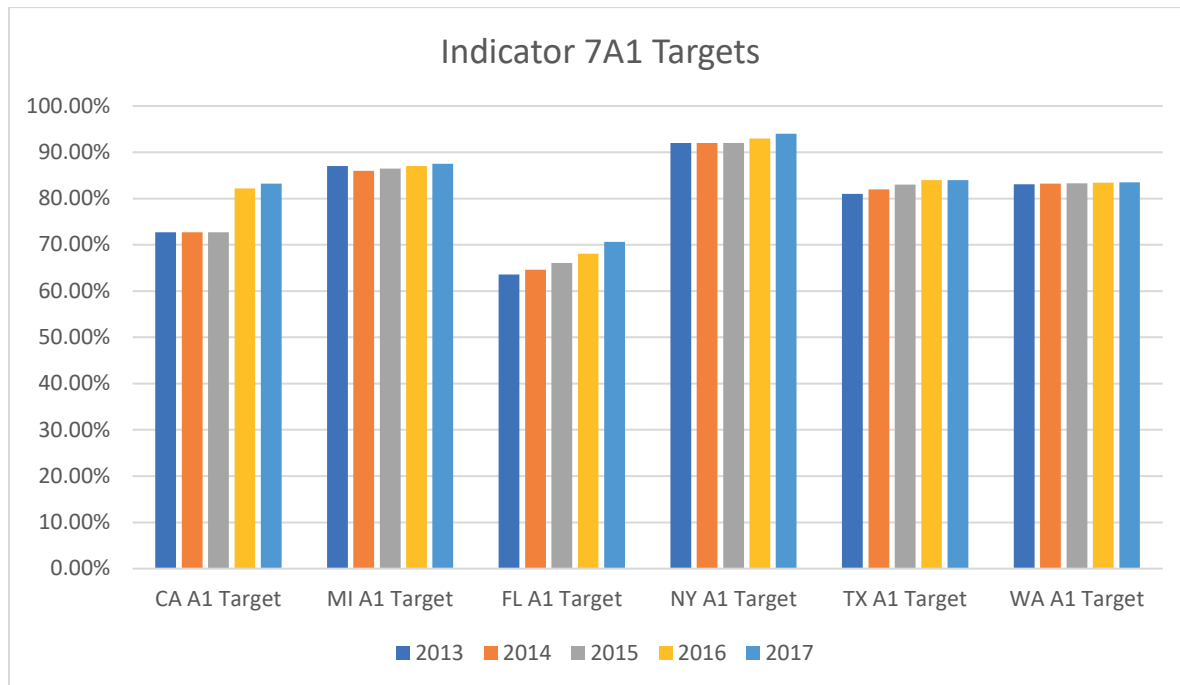
1. What are the benefits of the group's targets?

2. What are the concerns?

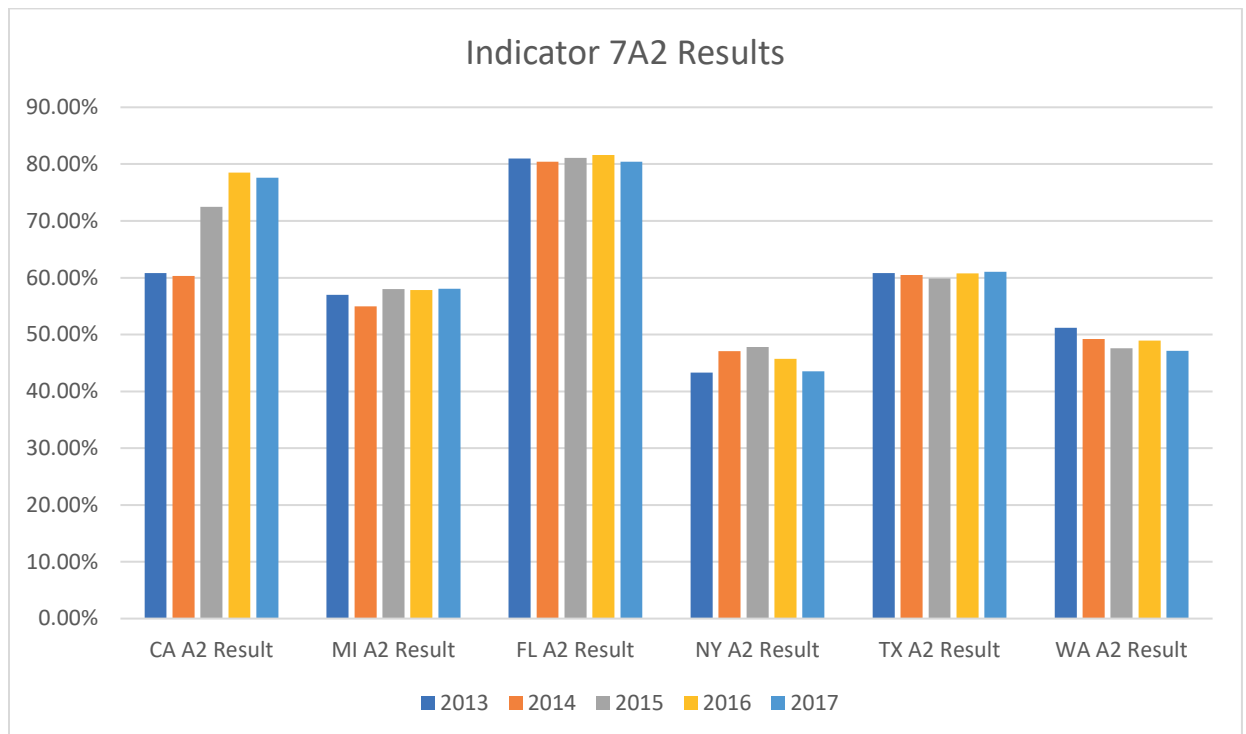
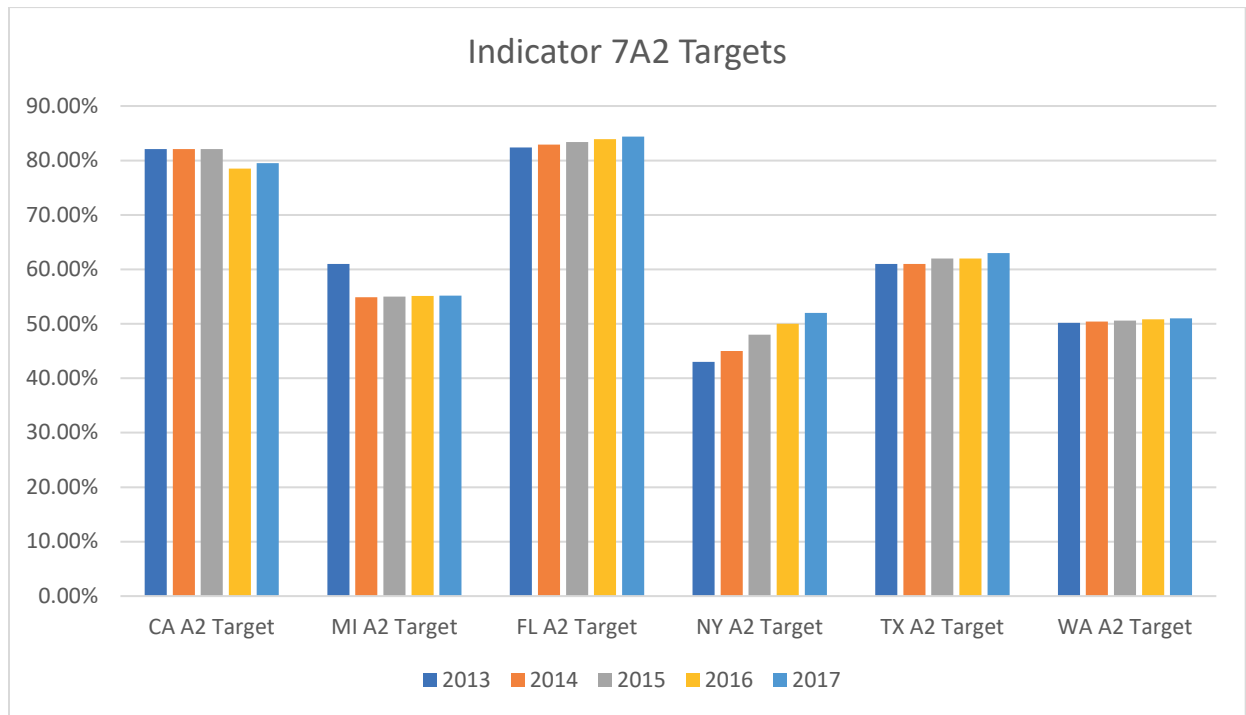
3. What do we still need to know?

What additional questions need to be answered?

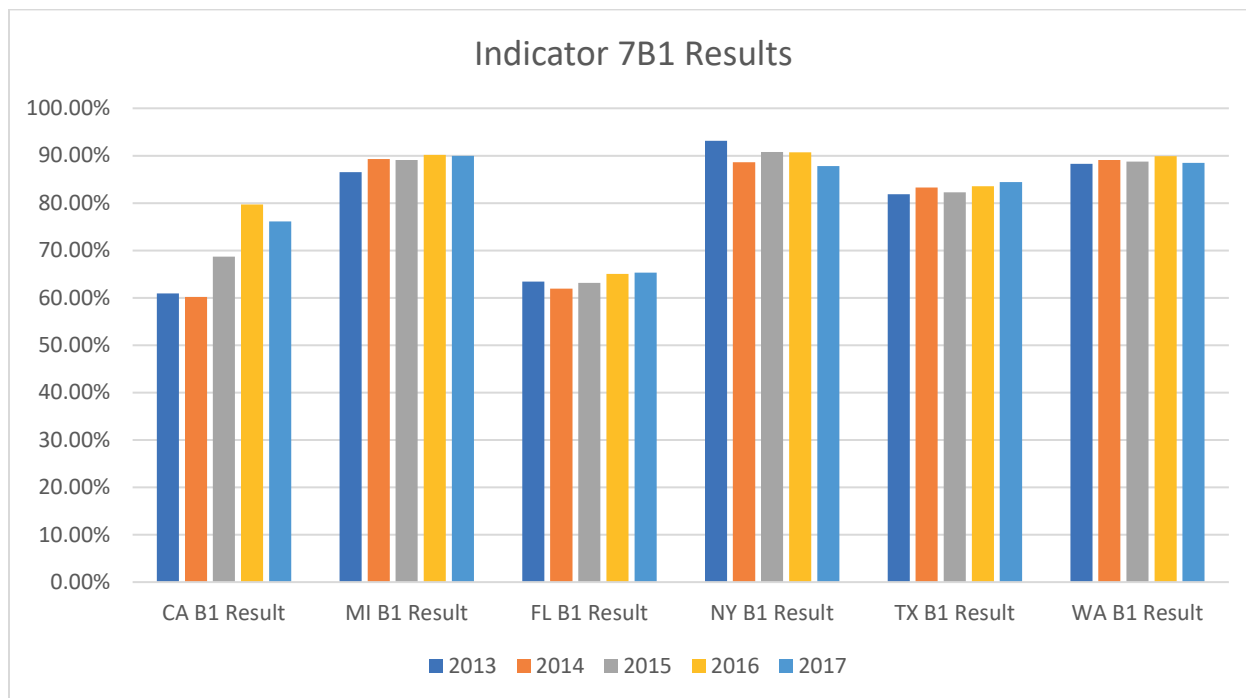
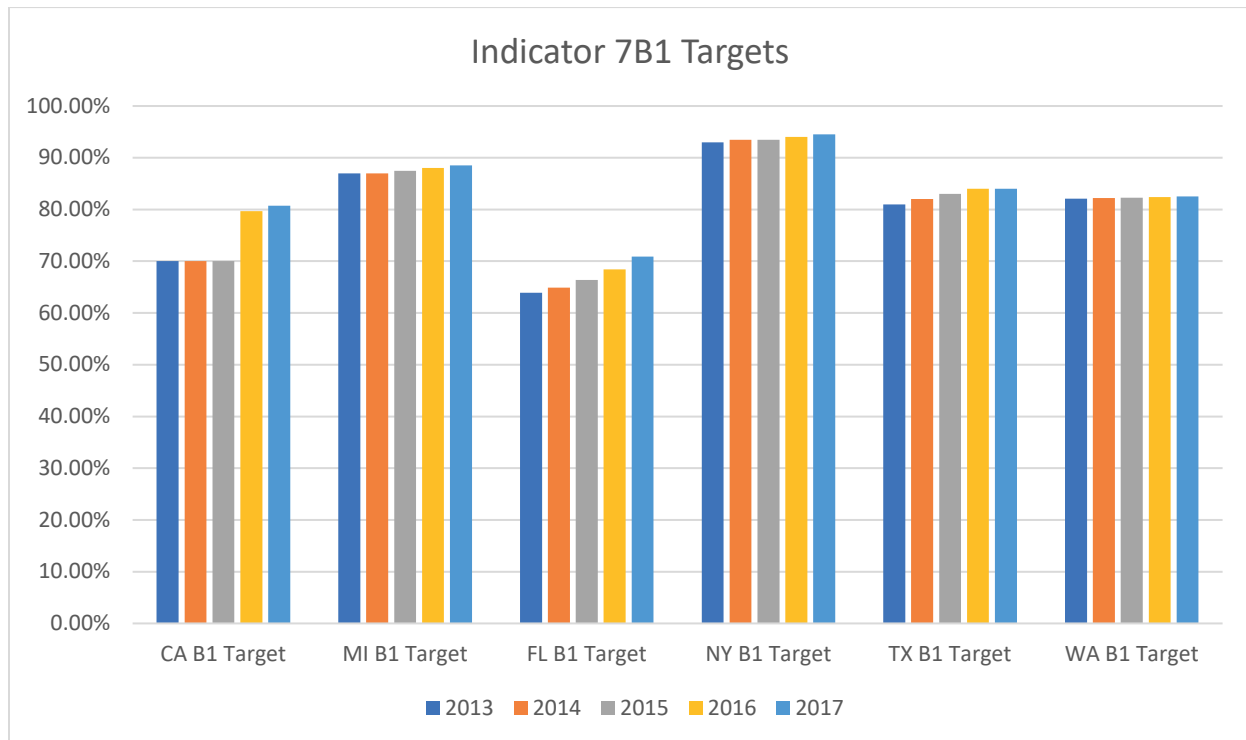
INDICATOR 7 A-C STATE-TO-STATE COMPARISON CHARTS



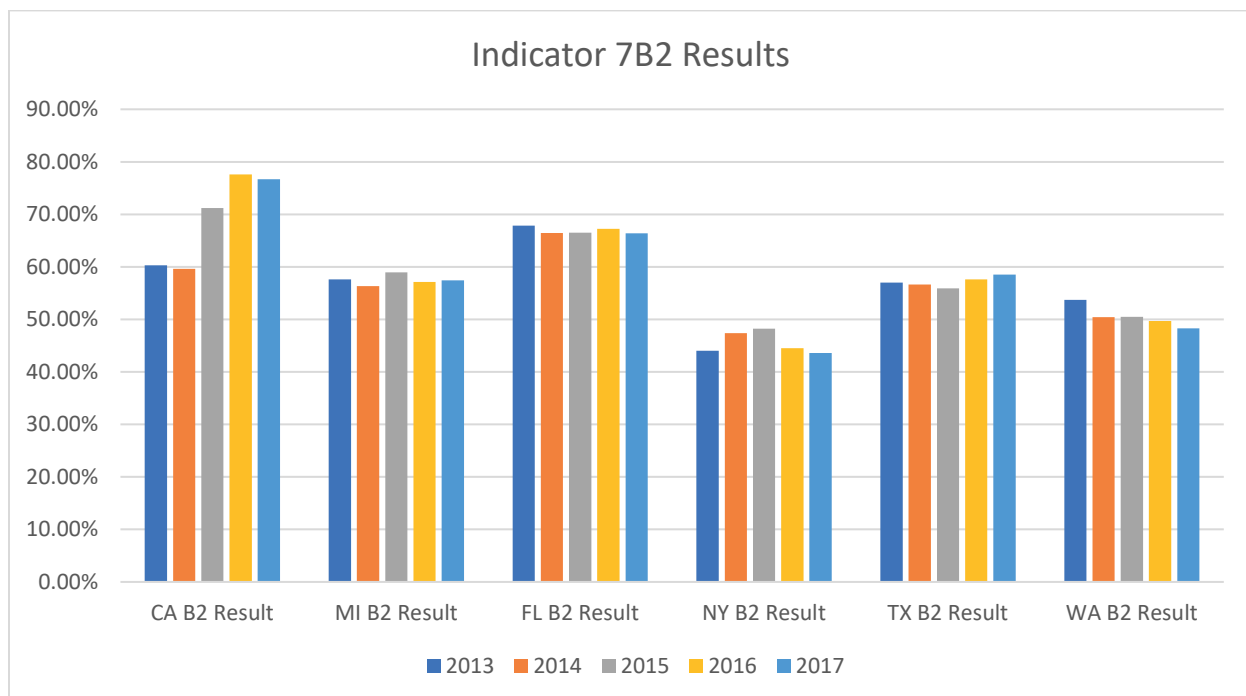
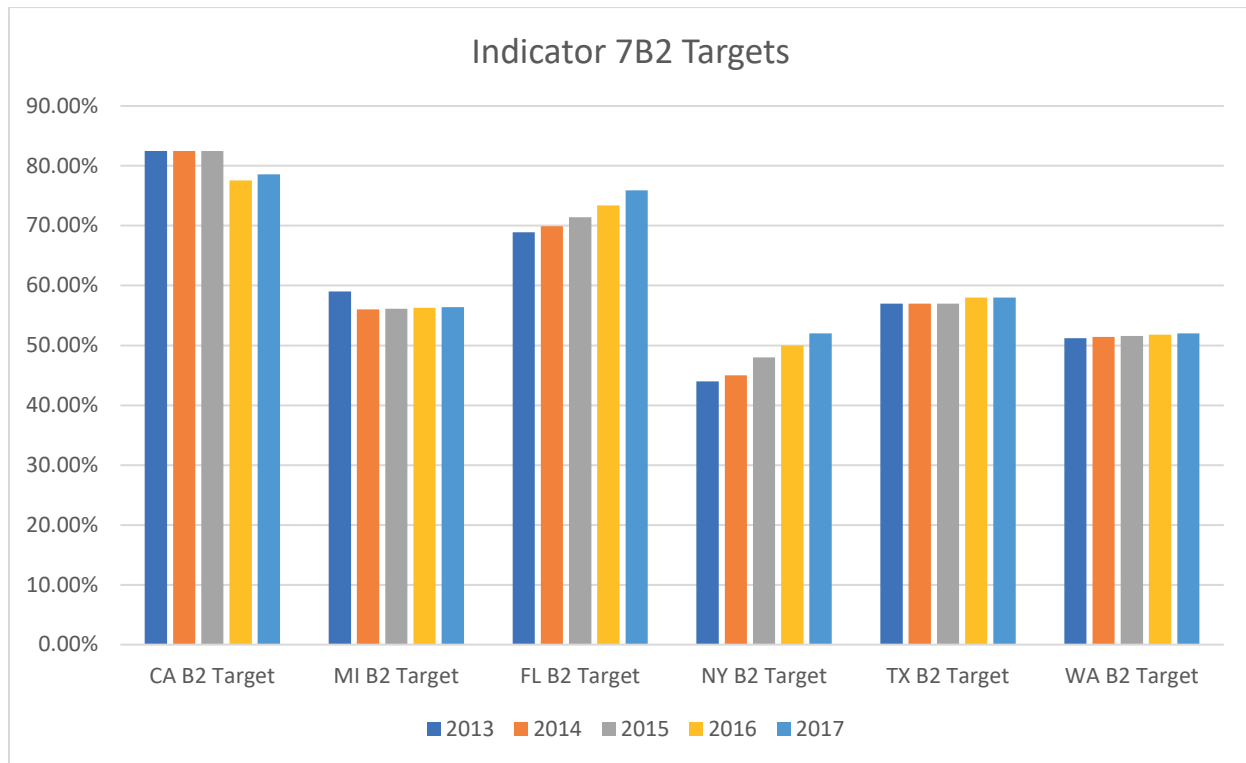
INDICATOR 7 A-C STATE-TO-STATE COMPARISON CHARTS



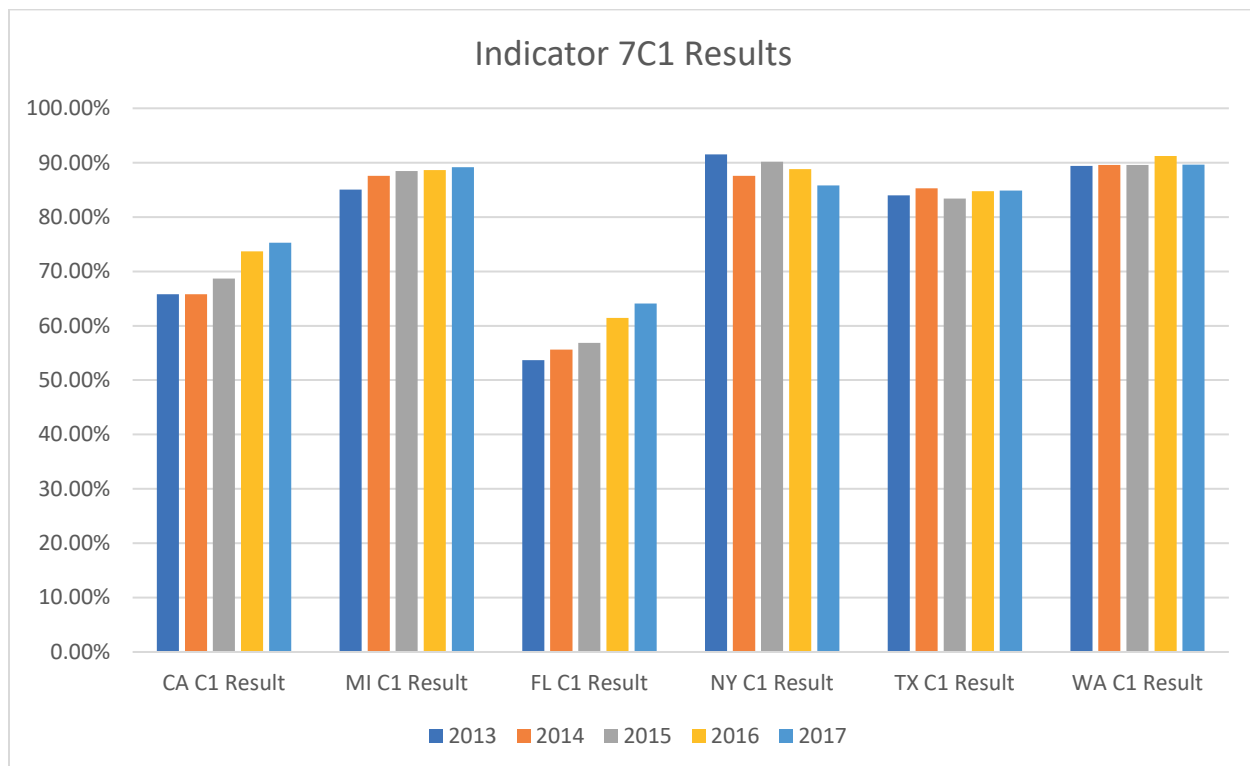
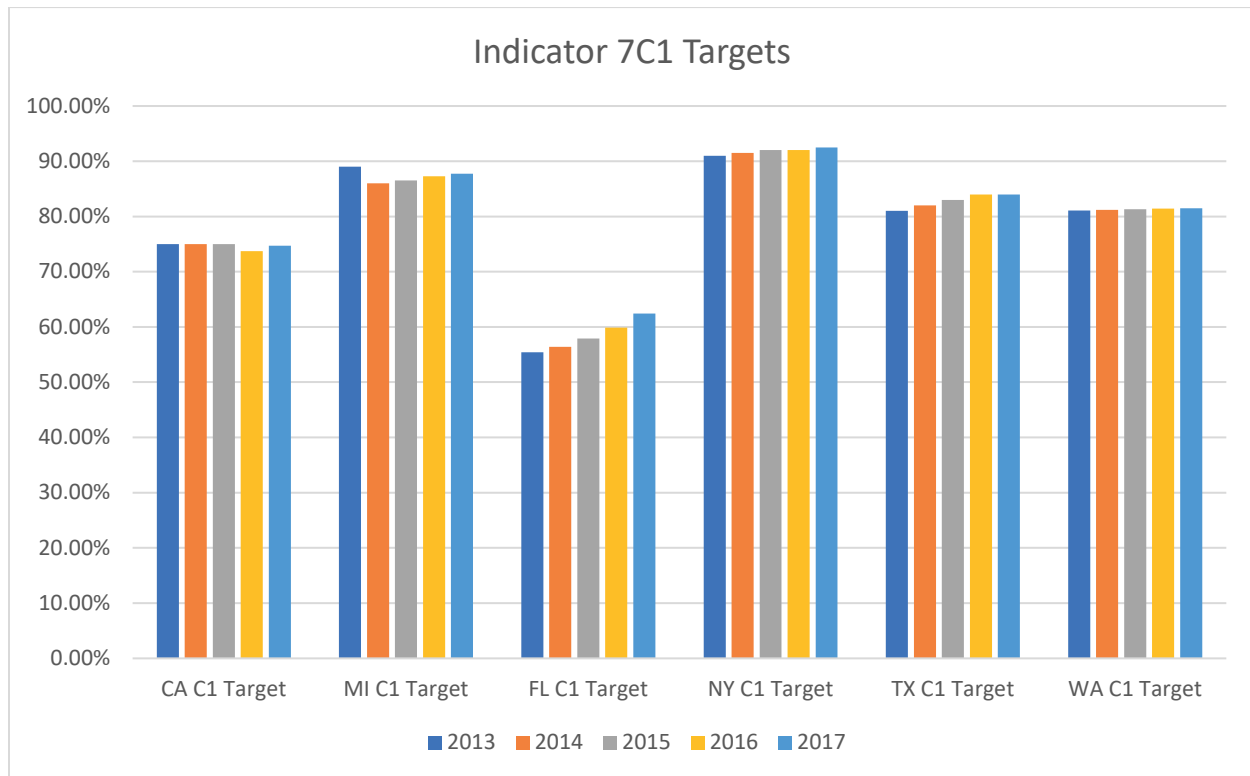
INDICATOR 7 A-C STATE-TO-STATE COMPARISON CHARTS



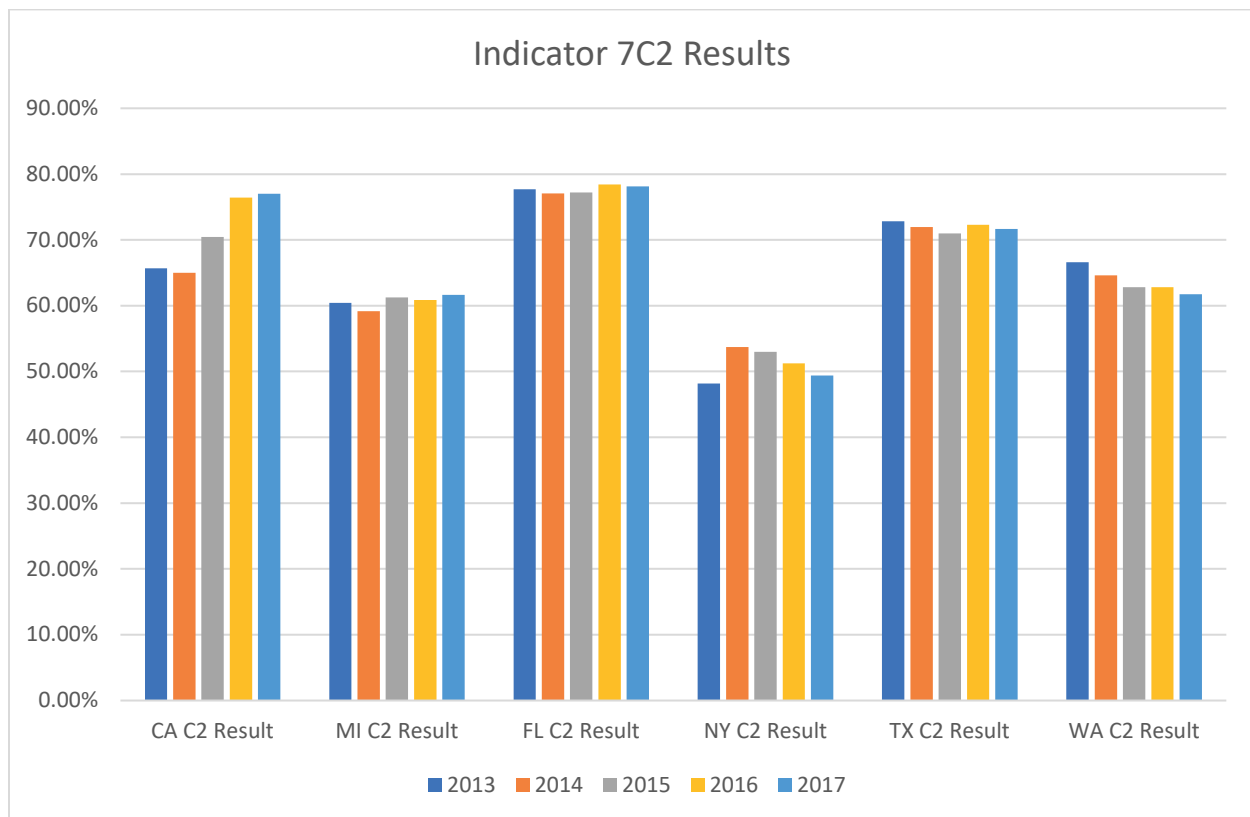
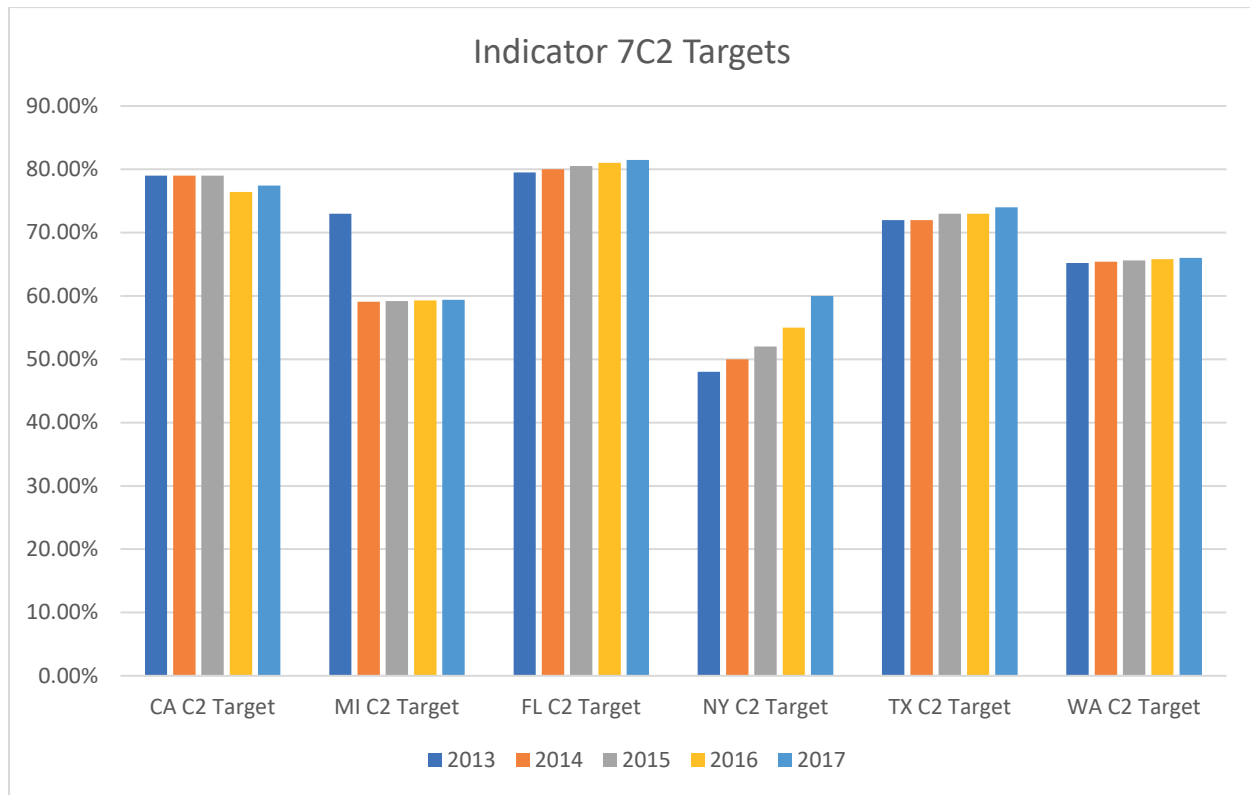
INDICATOR 7 A-C STATE-TO-STATE COMPARISON CHARTS



INDICATOR 7 A-C STATE-TO-STATE COMPARISON CHARTS



INDICATOR 7 A-C STATE-TO-STATE COMPARISON CHARTS



INDICATOR 7 A-C STATE-TO-STATE COMPARISONS

Indicator 7A1 Target	2013	2014	2015	2016	2017
CA Target	72.70%	72.70%	72.70%	82.20%	83.20%
MI Target	87.00%	86.00%	86.50%	87.00%	87.50%
FL Target	63.60%	64.60%	66.10%	68.10%	70.60%
NY Target	92.00%	92.00%	92.00%	93.00%	94.00%
TX Target	81.00%	82.00%	83.00%	84.00%	84.00%
WA Target	83.10%	83.20%	83.30%	83.40%	83.50%

Indicator 7A1 Result	2013	2014	2015	2016	2017
CA Result	59.40%	60.90%	67.60%	82.20%	76.70%
MI Result	85.16%	87.73%	87.90%	88.36%	88.31%
FL Result	64.19%	64.92%	66.60%	69.12%	71.25%
NY Result	92.31%	87.00%	91.18%	89.60%	86.30%
TX Result	82.64%	84.49%	83.70%	84.26%	84.81%
WA Result	89.85%	91.29%	90.17%	91.19%	90.79%

INDICATOR 7 A-C STATE-TO-STATE COMPARISONS

Indicator 7A2 Target	2013	2014	2015	2016	2017
CA Target	82.10%	82.10%	82.10%	78.50%	79.50%
MI Target	61.00%	54.90%	55.00%	55.10%	55.20%
FL Target	82.40%	82.90%	83.40%	83.90%	84.40%
NY Target	43.00%	45.00%	48.00%	50.00%	52.00%
TX Target	61.00%	61.00%	62.00%	62.00%	63.00%
WA Target	50.20%	50.40%	50.60%	50.80%	51.00%

Indicator 7A2 Result	2013	2014	2015	2016	2017
CA Result	60.80%	60.30%	72.50%	78.50%	77.60%
MI Result	57.00%	54.98%	58.02%	57.82%	58.08%
FL Result	80.99%	80.42%	81.10%	81.60%	80.42%
NY Result	43.32%	47.08%	47.79%	45.70%	43.50%
TX Result	60.82%	60.47%	59.86%	60.74%	61.04%
WA Result	51.17%	49.19%	47.60%	48.91%	47.12%

INDICATOR 7 A-C STATE-TO-STATE COMPARISONS

Indicator 7B1 Target	2013	2014	2015	2016	2017
CA Target	70.00%	70.00%	70.00%	79.70%	80.70%
MI Target	87.00%	87.00%	87.50%	88.00%	88.50%
FL Target	63.90%	64.90%	66.40%	68.40%	70.90%
NY Target	93.00%	93.50%	93.50%	94.00%	94.50%
TX Target	81.00%	82.00%	83.00%	84.00%	84.00%
WA Target	82.10%	82.20%	82.30%	82.40%	82.50%

Indicator 7B1 Result	2013	2014	2015	2016	2017
CA Result	60.90%	60.20%	68.70%	79.70%	76.10%
MI Result	86.49%	89.28%	89.11%	90.17%	89.94%
FL Result	63.40%	61.93%	63.13%	65.02%	65.32%
NY Result	93.15%	88.64%	90.80%	90.70%	87.80%
TX Result	81.83%	83.30%	82.30%	83.56%	84.41%
WA Result	88.30%	89.10%	88.78%	89.93%	88.46%

INDICATOR 7 A-C STATE-TO-STATE COMPARISONS

Indicator 7B2 Target	2013	2014	2015	2016	2017
CA Target	82.50%	82.50%	82.50%	77.57%	78.57%
MI Target	59.00%	56.00%	56.10%	56.30%	56.40%
FL Target	68.90%	69.90%	71.40%	73.40%	75.90%
NY Target	44.00%	45.00%	48.00%	50.00%	52.00%
TX Target	57.00%	57.00%	57.00%	58.00%	58.00%
WA Target	51.20%	51.40%	51.60%	51.80%	52.00%

Indicator 7B2 Result	2013	2014	2015	2016	2017
CA Result	60.27%	59.60%	71.20%	77.60%	76.70%
MI Result	57.59%	56.34%	58.93%	57.13%	57.41%
FL Result	67.84%	66.46%	66.49%	67.22%	66.38%
NY Result	44.03%	47.40%	48.22%	44.50%	43.60%
TX Result	57.03%	56.63%	55.91%	57.61%	58.50%
WA Result	53.70%	50.40%	50.51%	49.67%	48.26%

INDICATOR 7 A-C STATE-TO-STATE COMPARISONS

Indicator 7C1 Target	2013	2014	2015	2016	2017
CA Target	75.00%	75.00%	75.00%	73.70%	74.70%
MI Target	89.00%	86.00%	86.50%	87.25%	87.75%
FL Target	55.40%	56.40%	57.90%	59.90%	62.40%
NY Target	91.00%	91.50%	92.00%	92.00%	92.50%
TX Target	81.00%	82.00%	83.00%	84.00%	84.00%
WA Target	81.10%	81.20%	81.30%	81.40%	81.50%

Indicator 7C1 Result	2013	2014	2015	2016	2017
CA Result	65.80%	65.80%	68.70%	73.70%	75.30%
MI Result	85.04%	87.58%	88.47%	88.66%	89.14%
FL Result	53.70%	55.63%	56.84%	61.42%	64.10%
NY Result	91.50%	87.60%	90.15%	88.80%	85.80%
TX Result	83.98%	85.30%	83.37%	84.73%	84.86%
WA Result	89.43%	89.58%	89.56%	91.20%	89.61%

INDICATOR 7 A-C STATE-TO-STATE COMPARISONS

Indicator 7C2 Target	2013	2014	2015	2016	2017
CA Target	79.00%	79.00%	79.00%	76.45%	77.45%
MI Target	73.00%	59.10%	59.20%	59.30%	59.40%
FL Target	79.50%	80.00%	80.50%	81.00%	81.50%
NY Target	48.00%	50.00%	52.00%	55.00%	60.00%
TX Target	72.00%	72.00%	73.00%	73.00%	74.00%
WA Target	65.20%	65.40%	65.60%	65.80%	66.00%

Indicator 7C2 Result	2013	2014	2015	2016	2017
CA Result	65.70%	65.00%	70.47%	76.45%	77.02%
MI Result	60.41%	59.17%	61.25%	60.89%	61.67%
FL Result	77.70%	77.05%	77.20%	78.42%	78.14%
NY Result	48.17%	53.72%	53.01%	51.25%	49.40%
TX Result	72.84%	71.95%	71.00%	72.32%	71.65%
WA Result	66.61%	64.61%	62.79%	62.81%	61.72%

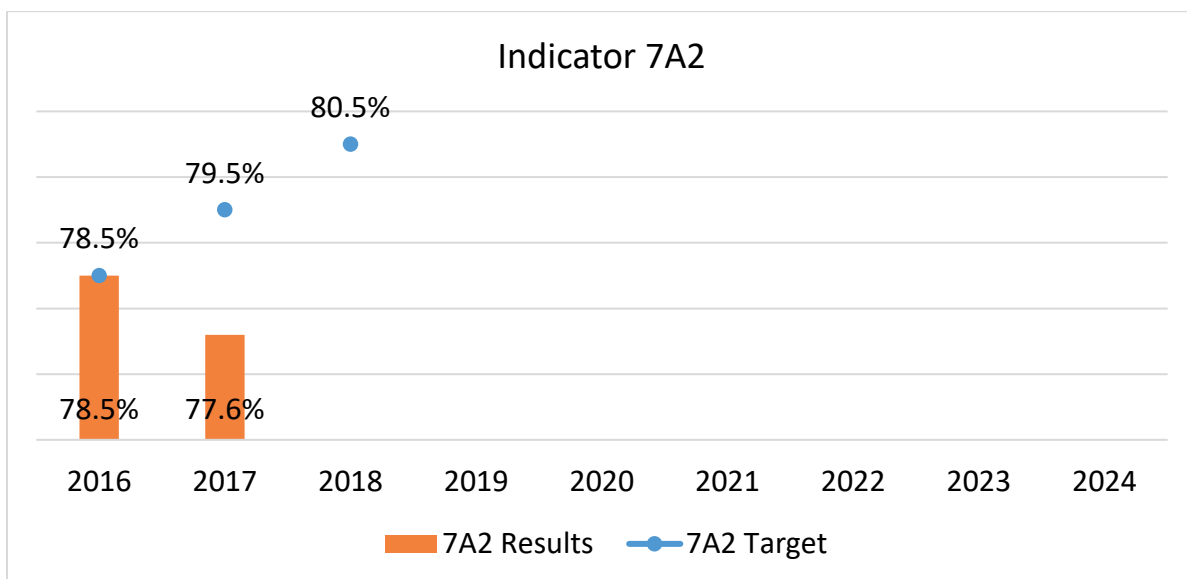
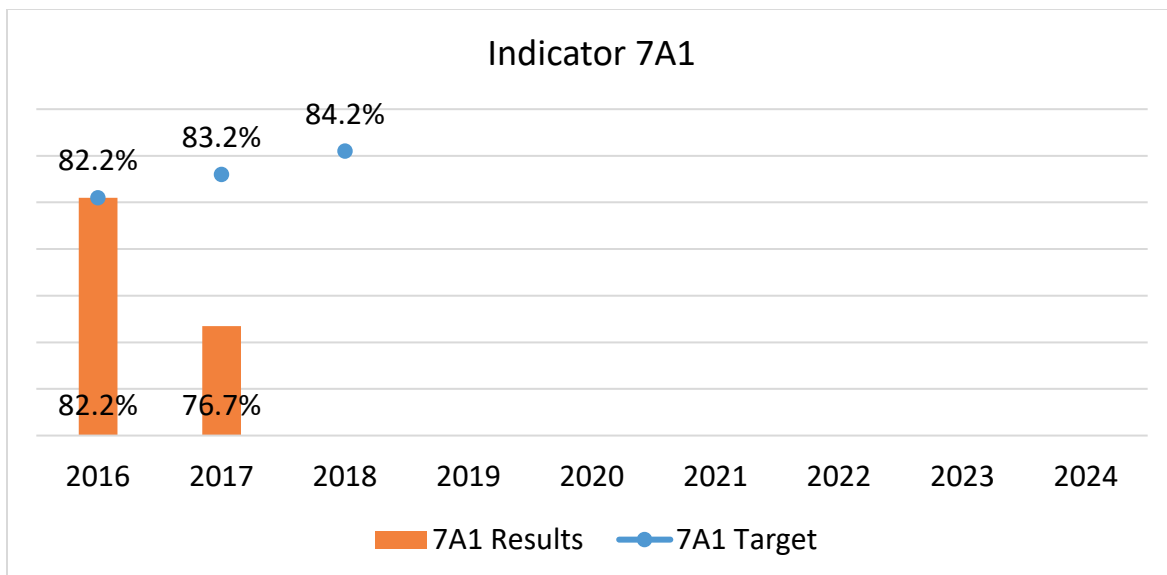
INDICATOR WORKSHEET INDICATOR 7-PRESCHOOL OUTCOMES

Instructions

- We will be collecting these worksheets to record stakeholder engagement
- Use the questions below to discuss indicator targets and mark the proposed targets on the included chart.

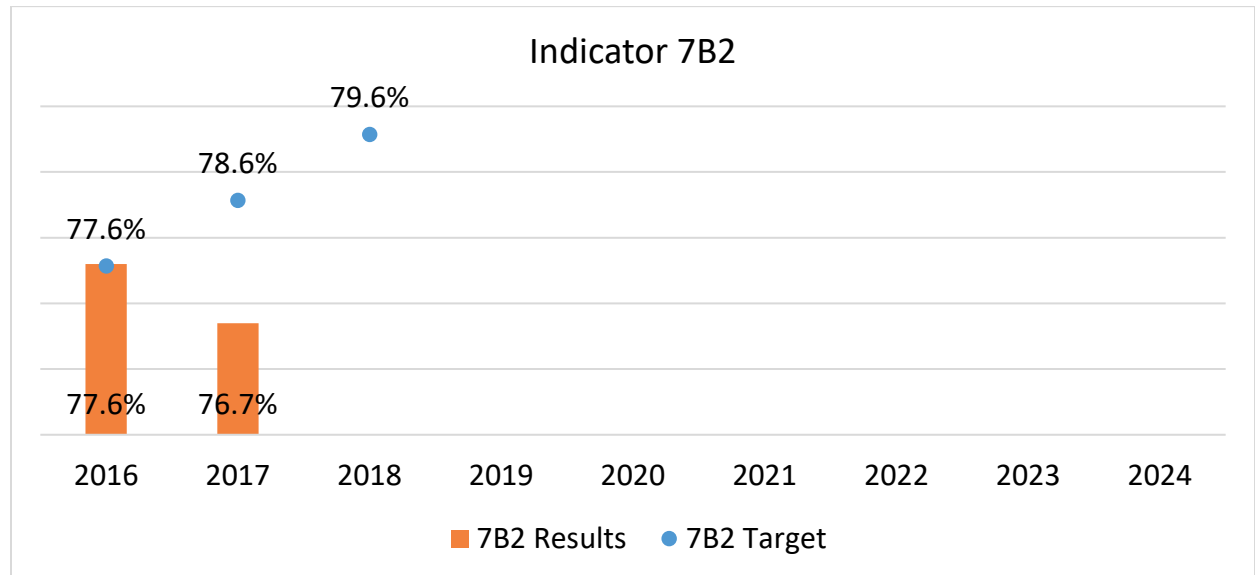
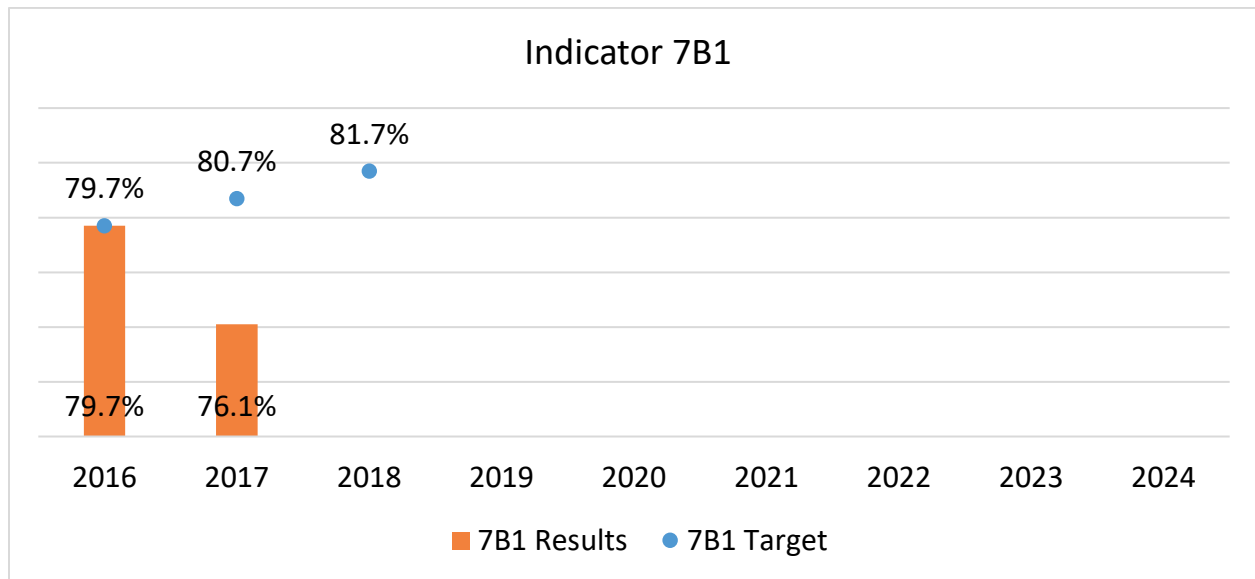
Guiding Questions

- How can newly set SPP targets encourage local educational agencies to increase access for students with disabilities to instruction in the general education setting, increase achievement and improve overall outcomes?
- Should the targets be more ambitious? If so, should targets be set higher from the onset of the new six-year cycle or increase incrementally over time?



INDICATOR WORKSHEET

INDICATOR 7-PRESCHOOL OUTCOMES

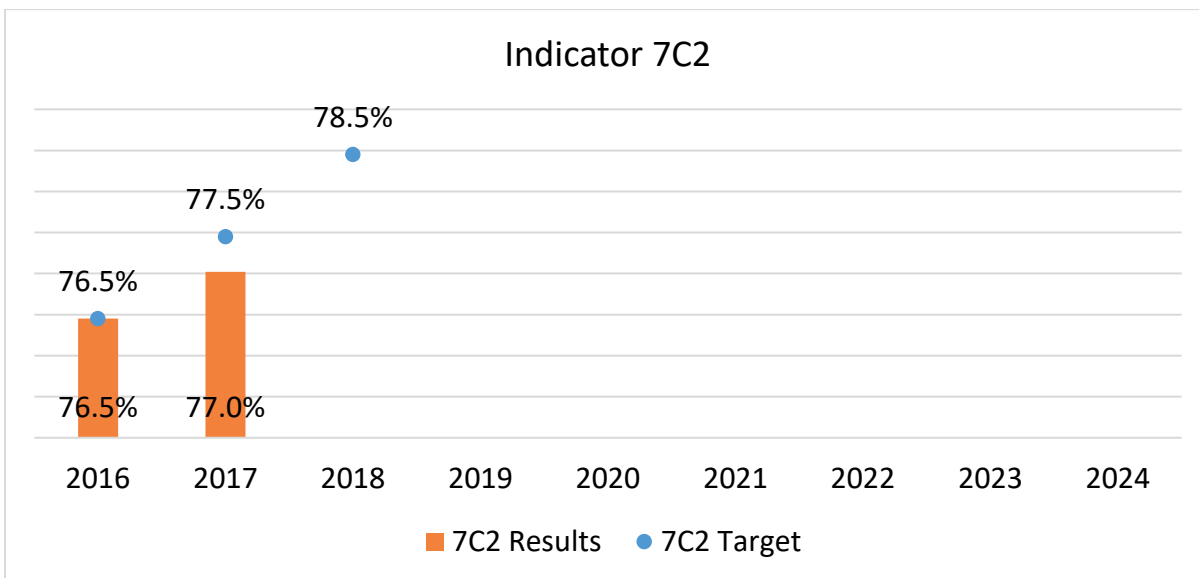
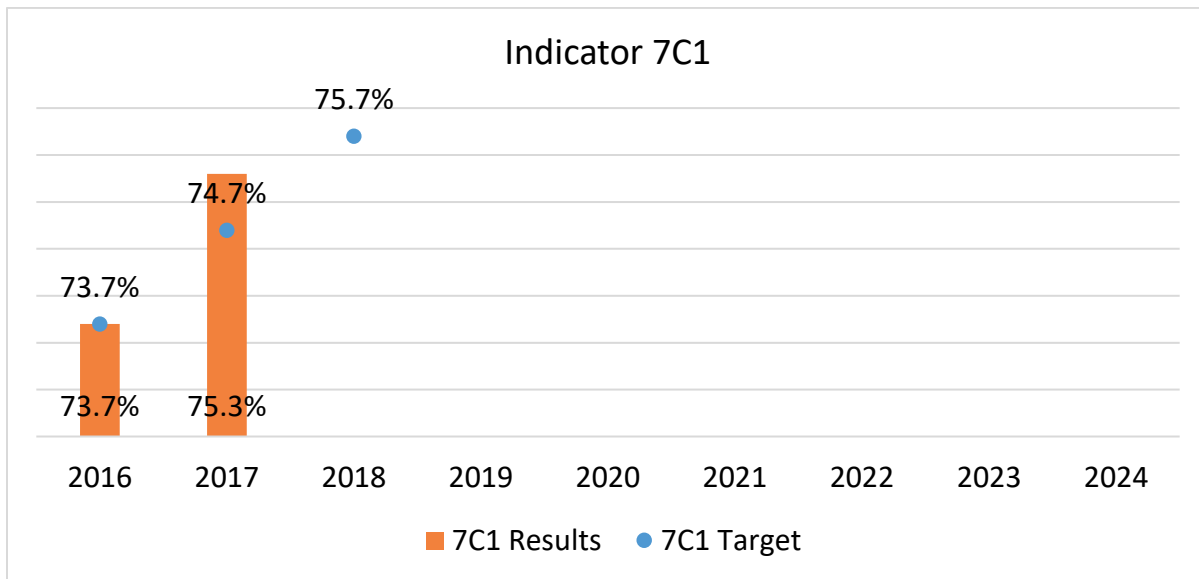


Please answer the following (Please use the back if you need more space):

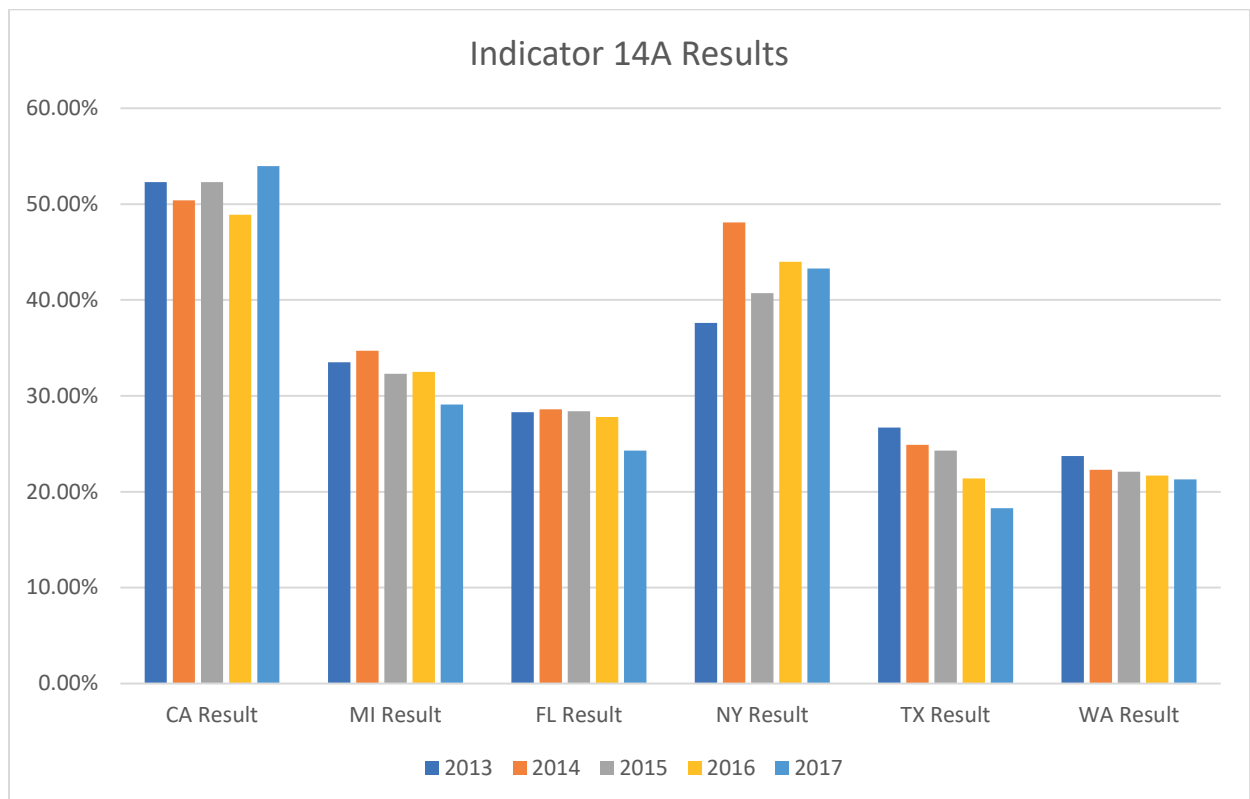
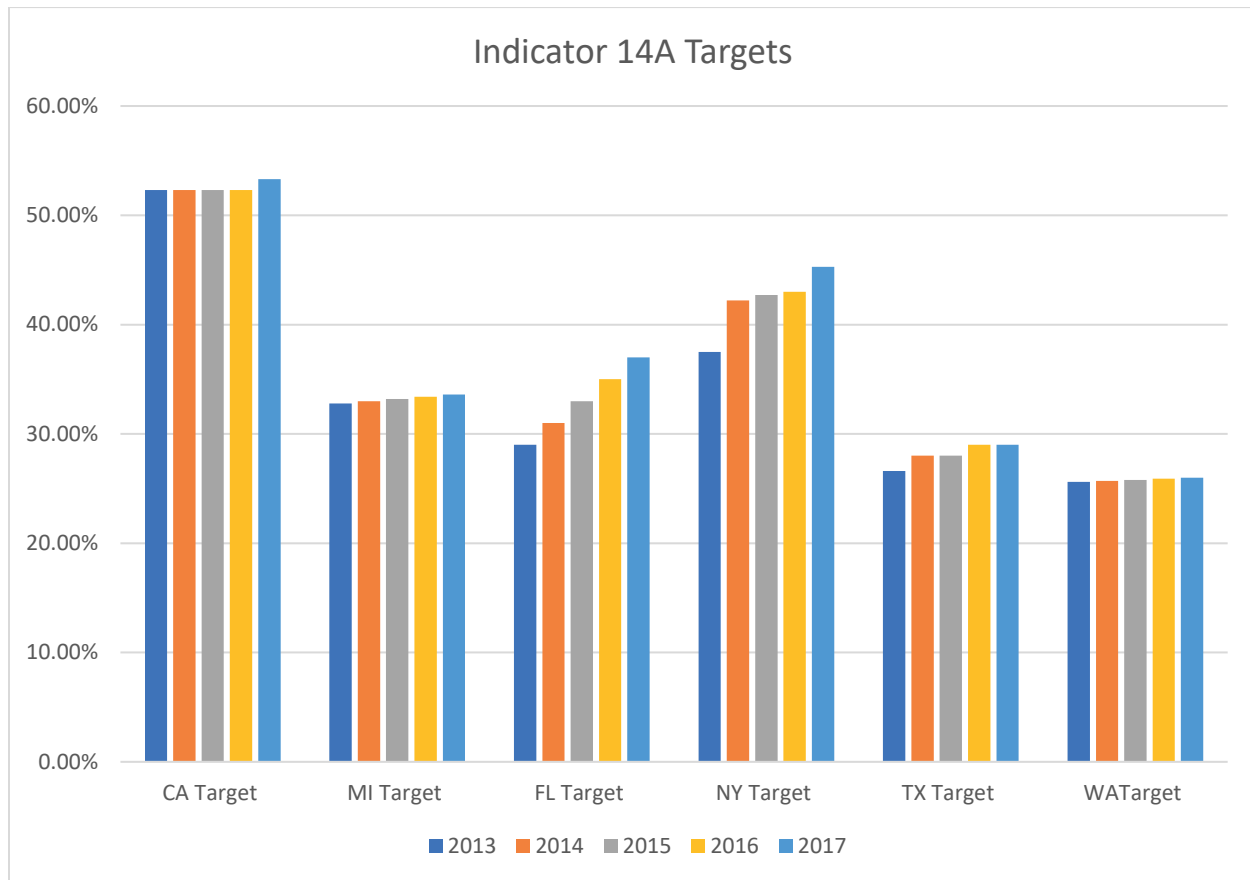
1. What are the benefits of the group's targets?

2. What are the concerns?

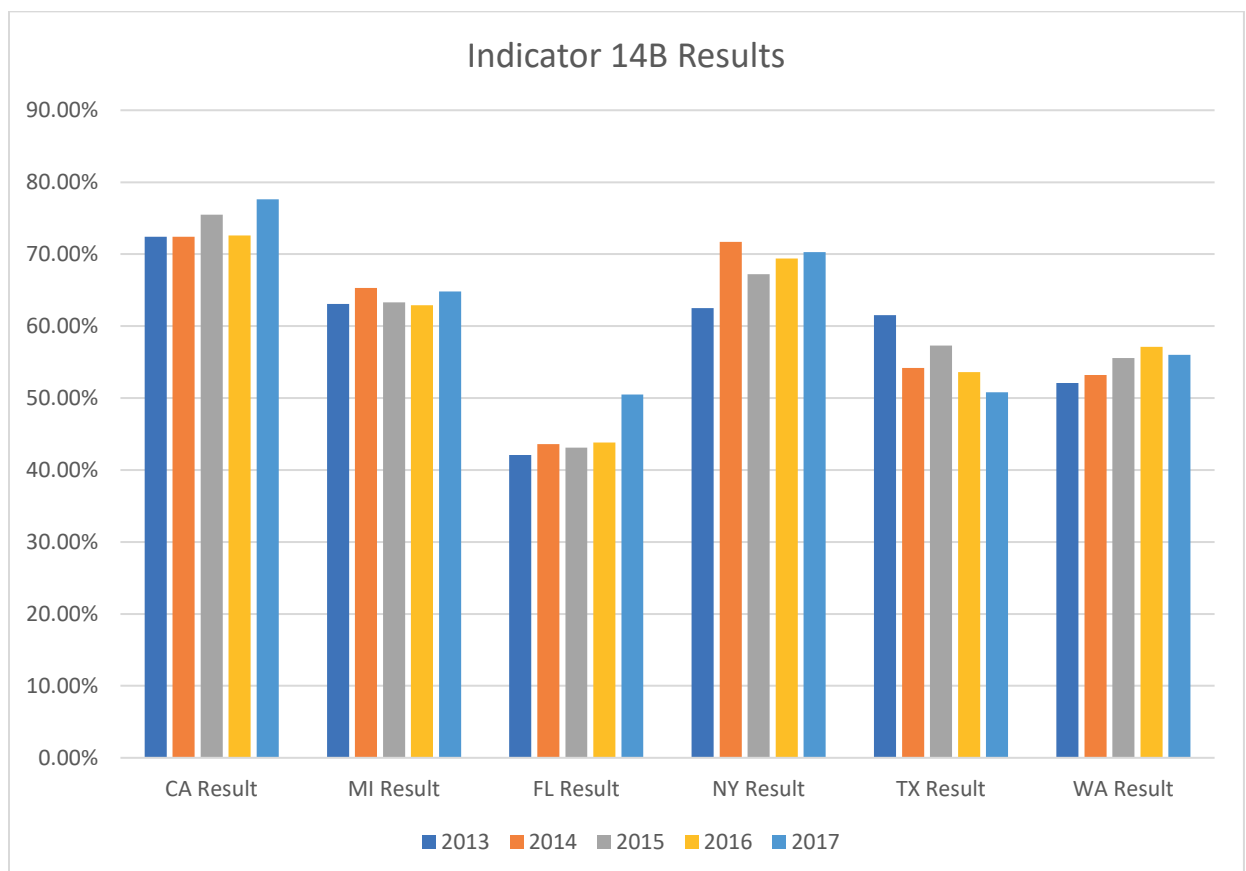
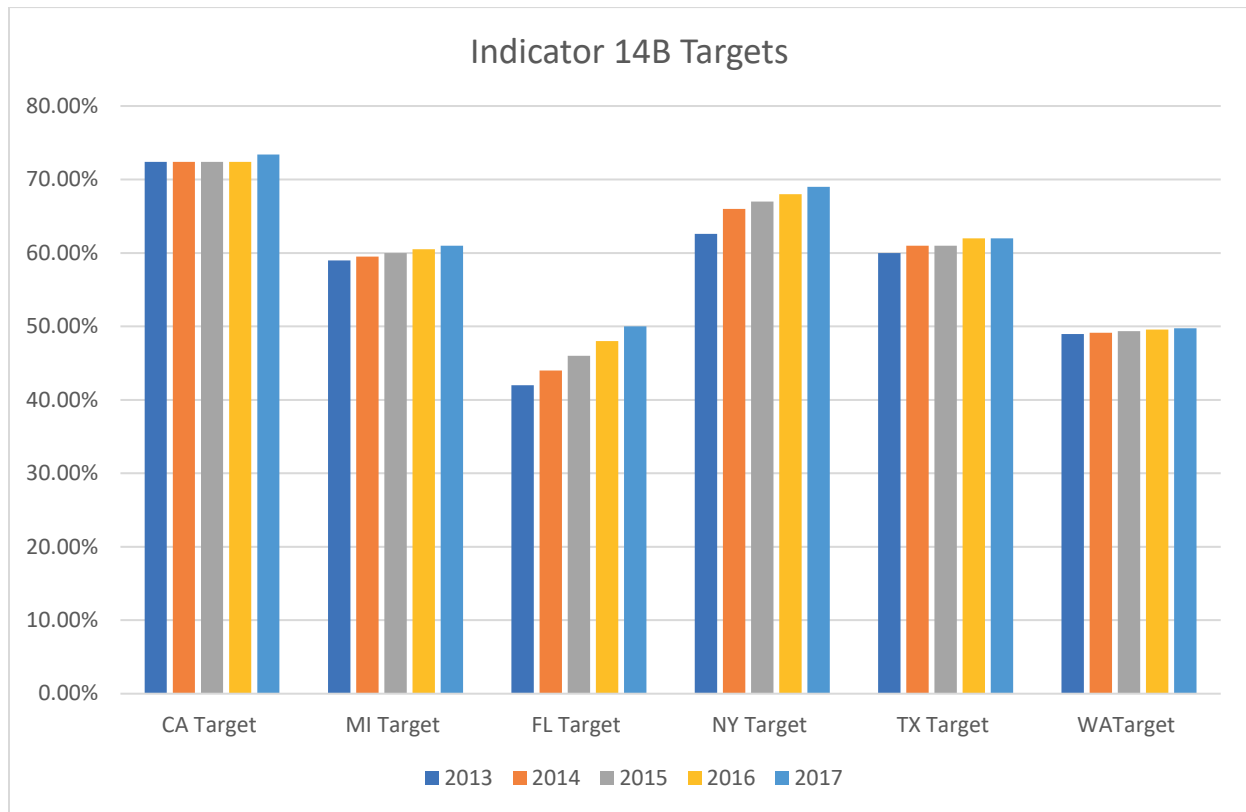
3. What do we still need to know?
What additional questions need to be answered?

INDICATOR WORKSHEET
INDICATOR 7-PRESCHOOL OUTCOMES

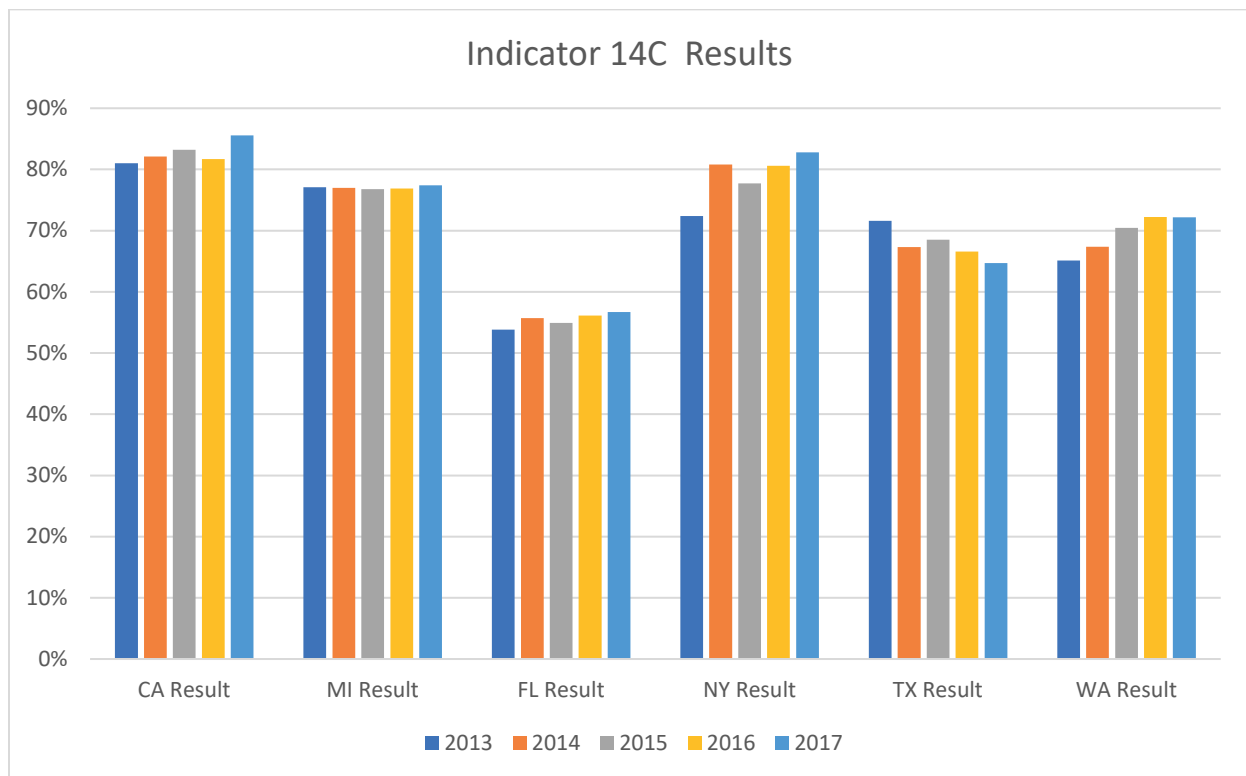
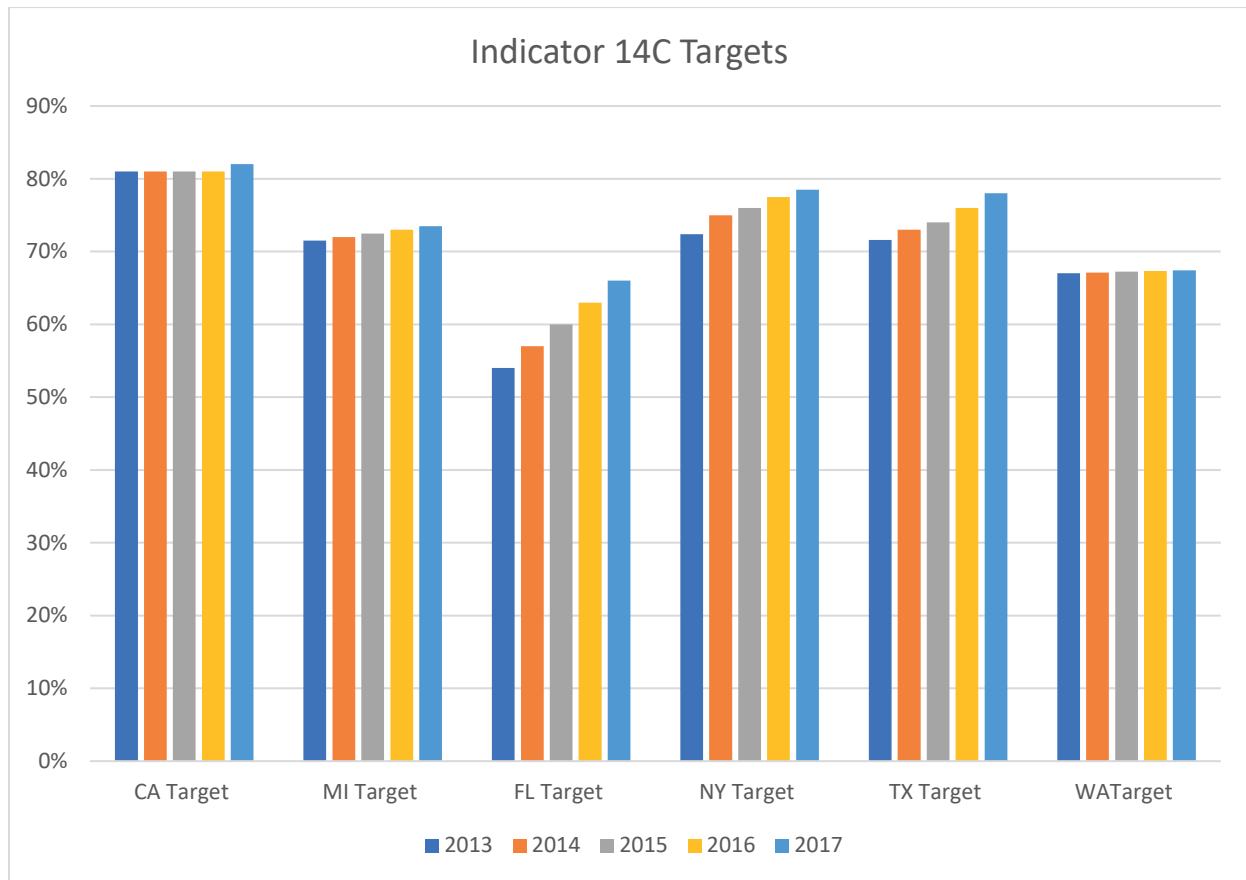
INDICATOR 14A-C STATE-TO-STATE COMPARISON CHARTS



INDICATOR 14A-C STATE-TO-STATE COMPARISON CHARTS



INDICATOR 14A-C STATE-TO-STATE COMPARISON CHARTS



INDICATOR 14 A-C STATE-TO-STATE COMPARISONS

Indicator 14A Target	2013	2014	2015	2016	2017
CA Target	52.30%	52.30%	52.30%	52.30%	53.30%
MI Target	32.80%	33.00%	33.20%	33.40%	33.60%
FL Target	29.00%	31.00%	33.00%	35.00%	37.00%
NY Target	37.50%	42.20%	42.70%	43.00%	45.30%
TX Target	26.60%	28.00%	28.00%	29.00%	29.00%
WA Target	25.60%	25.70%	25.80%	25.90%	26.00%

Indicator 14A Result	2013	2014	2015	2016	2017
CA Result	52.30%	50.40%	52.30%	48.90%	53.97%
MI Result	33.50%	34.70%	32.30%	32.50%	29.10%
FL Result	28.30%	28.60%	28.40%	27.80%	24.30%
NY Result	37.60%	48.10%	40.70%	44.00%	43.30%
TX Result	26.70%	24.90%	24.30%	21.40%	18.30%
WA Result	23.74%	22.30%	22.10%	21.70%	21.30%

INDICATOR 14 A-C STATE-TO-STATE COMPARISONS

Indicator 14B Target	2013	2014	2015	2016	2017
CA Target	72.40%	72.40%	72.40%	72.40%	73.40%
MI Target	59.00%	59.50%	60.00%	60.50%	61.00%
FL Target	42.00%	44.00%	46.00%	48.00%	50.00%
NY Target	62.60%	66.00%	67.00%	68.00%	69.00%
TX Target	60.00%	61.00%	61.00%	62.00%	62.00%
WA Target	48.95%	49.15%	49.35%	49.55%	49.75%

Indicator 14B Result	2013	2014	2015	2016	2017
CA Result	72.40%	72.40%	75.50%	72.60%	77.60%
MI Result	63.10%	65.30%	63.30%	62.90%	64.80%
FL Result	42.10%	43.60%	43.10%	43.80%	50.50%
NY Result	62.50%	71.70%	67.20%	69.40%	70.30%
TX Result	61.50%	54.20%	57.30%	53.60%	50.80%
WA Result	52.11%	53.20%	55.56%	57.13%	56.00%

INDICATOR 14 A-C STATE-TO-STATE COMPARISONS

Indicator 14C Target	2013	2014	2015	2016	2017
CA Target	81.00%	81.00%	81.00%	81.00%	82.00%
MI Target	71.50%	72.00%	72.50%	73.00%	73.50%
FL Target	54.00%	57.00%	60.00%	63.00%	66.00%
NY Target	72.40%	75.00%	76.00%	77.50%	78.50%
TX Target	71.60%	73.00%	74.00%	76.00%	78.00%
WA Target	67.03%	67.13%	67.23%	67.33%	67.43%

Indicator 14C Result	2013	2014	2015	2016	2017
CA Result	81.00%	82.10%	83.20%	81.70%	85.56%
MI Result	77.10%	77.00%	76.80%	76.90%	77.40%
FL Result	53.80%	55.70%	54.90%	56.10%	56.70%
NY Result	72.40%	80.80%	77.70%	80.60%	82.80%
TX Result	71.60%	67.30%	68.50%	66.60%	64.70%
WA Result	65.13%	67.38%	70.46%	72.21%	72.19%

INDICATOR WORKSHEET

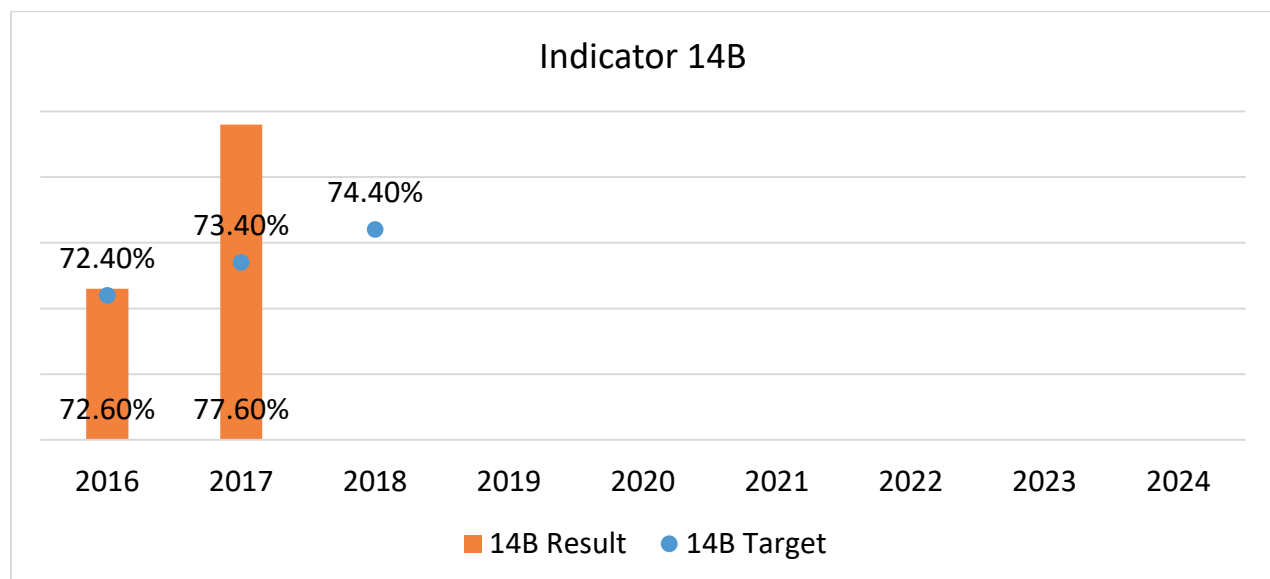
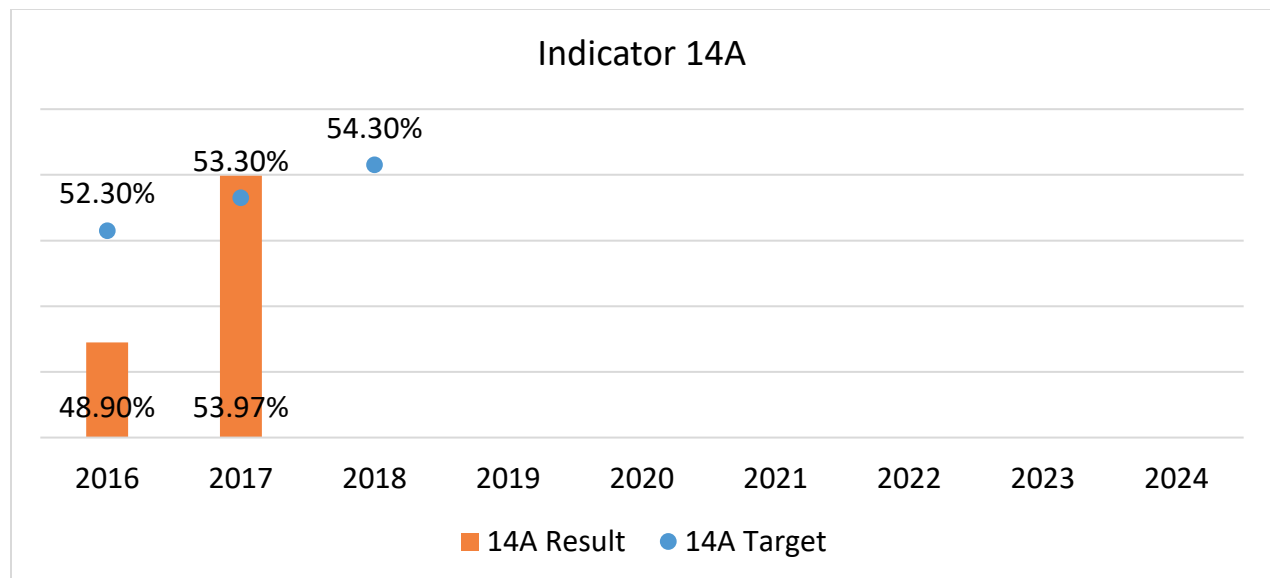
INDICATOR 14- POST SCHOOL OUTCOMES

Instructions

- We will be collecting these worksheets to record stakeholder engagement
- Use the questions below to discuss indicator targets and mark the proposed targets on the included chart.

Guiding Questions

- How can newly set SPP targets encourage local educational agencies to increase access for students with disabilities to instruction in the general education setting, increase achievement and improve overall outcomes?
- Should the targets be more ambitious? If so, should targets be set higher from the onset of the new six-year cycle or increase incrementally over time?





1. What are the benefits of the group's targets?
2. What are the concerns?
3. What do we still need to know?
What additional questions need to be answered?

ATTACHMENT 5

Excerpt from October 10, 2019 National Technical Assistance Call

Source: <https://www.youtube.com/watch?v=2NPluCzSozc&feature=youtu.be>

YouTube

Search



The video player shows a title slide with the OSEP logo and text: "October National TA Call", "October 10, 2019", and "FFY 2018 State Performance Plan Annual Performance Report". The video progress bar indicates 0:33 / 36:42.

2019: October OSEP Monthly TA Call

75 views • Oct 17, 2019

0 0 SHARE SAVE ...

Excerpt from October 10, 2019 National Technical Assistance Call



Search

The screenshot shows a YouTube video player with a presentation slide. The slide has a dark blue header with the OSEP logo (Department of Education, Office of Special Education Programs) and the text "OSEP Office of Special Education Programs". The main content area is white with the title "Part B/Part C Cross-cutting Targets" and a bulleted list of requirements for states. The video player interface includes a progress bar at 3:14 / 36:42, a volume icon, and a settings icon.

DEPARTMENT OF EDUCATION
OSEP
Office of Special Education Programs

Part B/Part C Cross-cutting Targets

- States must extend their indicator targets to include FFY 2019
 - Targets for Indicators B1-B16 and C1-C10 must cover the years of the SPP (*i.e.*, FFY 2013 through FFY 2019)
 - Targets for the Indicators B17 and C11 (SSIP) must cover FFY 2014 through FFY 2019

3:14 / 36:42

2019: October OSEP Monthly TA Call

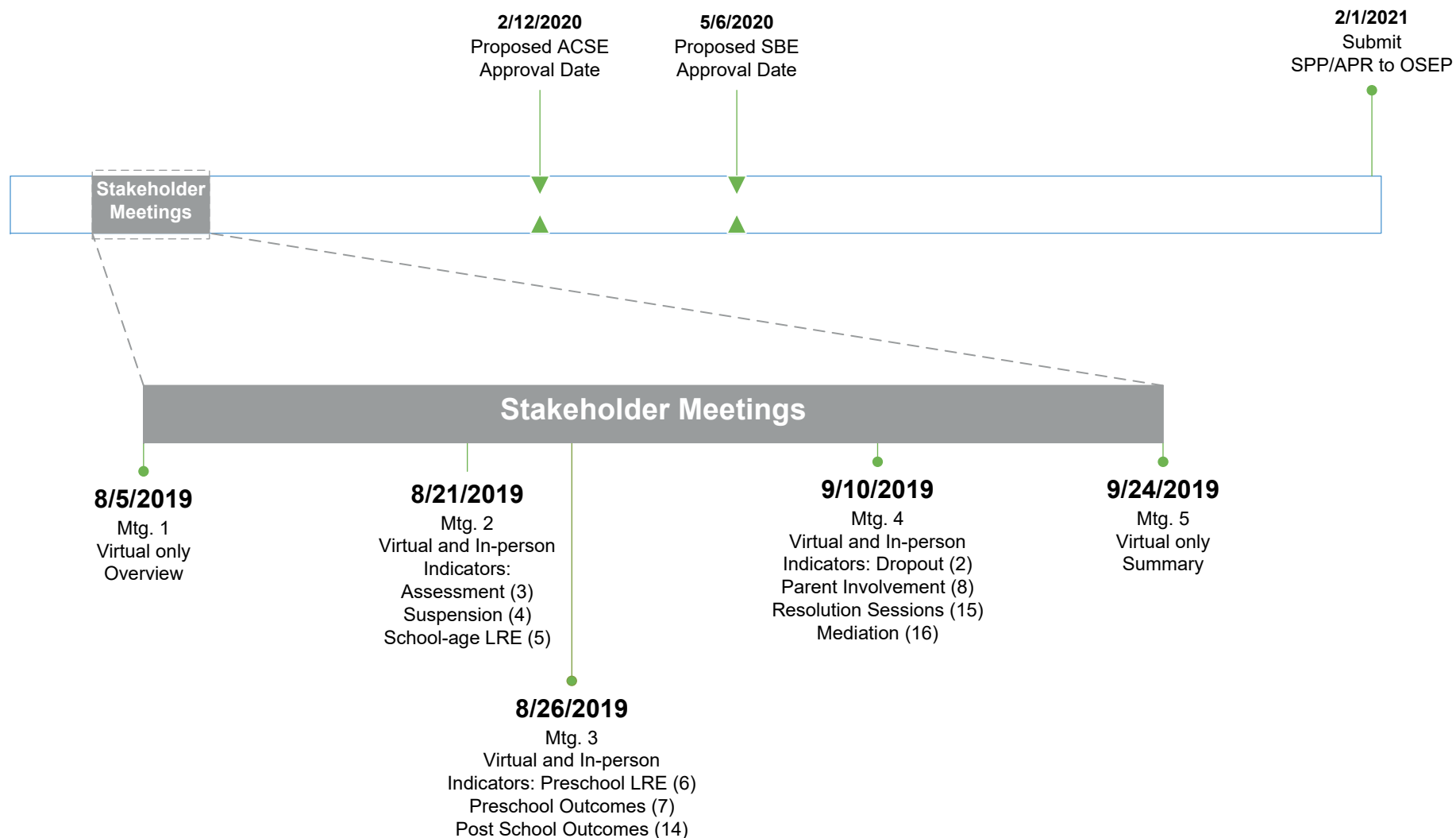
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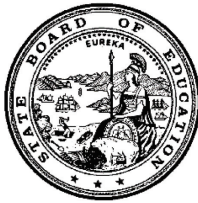
ATTACHMENT 6

State Performance Plan FFY 2019-2024

Stakeholder Workgroup Meeting and
Approval by Advisory Commission on Special Education (ACSE)
and the California State Board of Education (SBE)



ATTACHMENT 7



California Department of Education
Executive Office
SBE-003 (REV. 11/2017)

California State Board of Education

January 2020 Agenda

Item #11

Subject

State Annual Performance Report for Part B of the Individuals with Disabilities Education Act of 2004 covering program year 2018–19.

Type of Action

Action, Information

Summary of the Issue(s)

As required by the Individuals with Disabilities Education Act (IDEA) of 2004, Part B, the California Department of Education (CDE), Special Education Division (SED), developed the State Performance Plan (SPP), a six-year plan covering federal fiscal year (FFY) 2013–14 through 2018–19, using the instructions determined by the U.S. Department of Education, Office of Special Education Programs (OSEP). The SED prepares an Annual Performance Report (APR), an update under the SPP, each year that covers California's progress on 5 compliance indicators, 11 performance indicators, and 1 indicator with both compliance and performance components. The attached report is for program year 2018–19.

For FFY 2019 the OSEP has directed the CDE to submit the targets for that year only as an extension of the current FFY 2013–2018 cycle, along with the FFY 2018 APR on February 1, 2020. The CDE will present the FFY 2020 through FFY 2025 SPP to the State Board of Education (SBE) for approval at the May 2020 board meeting, pending final guidance from OSEP, as discussed in the December 2019 memo.

This report provides data on the status of California's students with disabilities in 17 required federal indicators as required for submission annually under the IDEA. A number of these indicators overlap with California's School Dashboard, the state's accountability system. The established federal targets for these overlapping indicators (graduation rate, suspension/expulsion, and assessment) predate California's new accountability system, and thus the calculation methodology and targets for these indicators differ, and are calculated based on specific parameters set by the OSEP. As

the lead state educational agency for California, the SBE must approve this report and these data prior to submission. Failure to submit this report to OSEP may result in the withholding of federal IDEA funds.

The SED has reviewed protocols and approaches for compliance monitoring selection and support under IDEA to maximize alignment to the greatest extent possible with the statewide system of support. During the March 2018 SBE meeting, the SBE approved Phase III of the State Systemic Improvement Plan (SSIP) which aligned SED monitoring activities with the California School Dashboard and the California System of Support (CASOS). The CASOS brings new opportunity for improving support and student outcomes by utilizing the Dashboard, which includes accountability data for students with disabilities.

As part of the CASOS, the Special Education Local Plan Area (SELPA) System Improvement Leads have developed a resource to support this alignment between APR indicators and the Dashboard. Although multiple Dashboard indicators are similar to indicators in the APR, there are important differences (e.g. calculating the discipline rate for students with disabilities). The *State Performance Plan Indicator Guide* serves as a valuable resource for understanding the similarities and differences between these unique sets of accountability indicators and can be accessed at the SELPA System Improvement Leads website at <https://systemimprovement.org/uploads/resources/State-Performance-Plan-Indicator-Guide.pdf>.

Over the last year, SED has worked to include activities that support local educational agencies (LEAs) in improving outcomes for students with disabilities and to better align with the new statewide system of support. SED has also increased the number of technical assistance contracts that target specific areas of need, such as Least Restrictive Environment. This more coherent approach is intended to move special education into one single system of education designed to serve all students and will help to ensure participation in decisions being made about how to support the totality of an LEA, reducing the requirement for separate plans and processes for different student groups.

Recommendation

The CDE recommends the SBE review and approve the Executive Summary of the FFY 2018 APR for Part B of the IDEA covering program year 2018–19 as prepared by the SED.

Brief History of Key Issues

The APR is presented to the SBE annually for review and approval as part of the CDE's annual report to the public on the performance of its LEAs in serving students with disabilities. The APR documents describe the progress of LEAs and the state toward meeting targets and benchmarks identified in the SPP, and summarizes the statewide

selection for monitoring activities associated with each of the target indicators in the SPP. A stakeholder workgroup assisted the SED in establishing and re-benchmarking performance indicators during meetings held from December 2014 through June 2015. The targets are included in the Executive Summary.

Similar to last year, this item contains SPP/APR indicators 1 through 16 that document overall progress as measured by state data. Indicator 17 describes improvement activities of the state in the SSIP, which will be prepared for the March 2020 SBE meeting.

On February 1, 2020, upon approval of this item by the SBE, the SPP and APR for indicators 1 through 16 will be submitted to the OSEP. Indicator 17 will be presented to the SBE at the March 2020 meeting and will be submitted, upon approval, to the OSEP on April 1, 2020.

Summary of Previous State Board of Education Discussion and Action

In January 2019, the SBE approved the FFY 2017 APR Executive Summary which reported on the progress of the 2017–18 compliance and performance indicators as required by the IDEA.

Fiscal Analysis (as appropriate)

Absent approval, California's approximately \$1.2 billion federal IDEA funding could be jeopardized.

Attachment(s)

Attachment 1: California Department of Education Special Education Division
Individuals with Disabilities Education Act of 2004 State Annual
Performance Report Executive Summary Federal Fiscal Year 2018
(Program Year 2018–19) (43 pages).

Attachment 1

California Department of Education

Special Education Division

Individuals with Disabilities Education Act of 2004

State Annual Performance Report

Executive Summary

Federal Fiscal Year 2018 (Program Year 2018–19)

January 2020

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Special Education in California

The California Department of Education (CDE) provides state leadership and policy guidance to local educational agencies (LEAs) for special education programs and services for students with disabilities, birth to twenty-two years. Special education is defined as specially designed instruction and services, at no cost to parents, to meet the unique needs of students with disabilities. Special education services are available in a variety of settings, including early learning and care, preschool, regular classrooms, classrooms that emphasize specially designed instruction, the community, and the work environment.

The CDE also provides families with information on the education of students with disabilities and works cooperatively with other state agencies to provide a range of services from family-centered services for infant and preschool children with disabilities to planned steps for transition from high school to employment and quality adult life. The CDE responds to consumer complaints and administers programs related to the federal Individuals with Disabilities Education Act of 2004 (IDEA) and the Every Student Succeeds Act (ESSA) for students with disabilities in California.

Accountability and Data Collection

In accordance with the IDEA, California is required to report annually to the U.S. Department of Education (ED) on California's performance and progress meeting targets defined in the State Performance Plan (SPP). This report is the State's Annual Performance Report (APR). The APR requires the CDE to report on 17 indicators (Table 1) that examine a comprehensive array of compliance and performance requirements relating to the provision of special education and related services. The California Special Education Management Information System (CASEMIS) and the California Longitudinal Pupil Achievement Data System (CALPADS) are the data reporting and retrieval systems used by the CDE for students with disabilities. CASEMIS provides LEAs a statewide standard for maintaining a core of special education data at the local level that is used for accountability reporting and to meet statutory and programmatic needs in special education.

The CDE is required to publish the APR for public review. The current APR reflects data collected during Federal Fiscal Year (FFY) 2018, which is equivalent to California's school year 2018–19. Indicators 1, 2, and 4 are reported in lag years using data from school year 2017–18. The 17 federal indicators include 11 performance indicators, 5 compliance indicators, and 1 indicator with both performance and compliance components (Indicator 4). All compliance indicator targets are set by the ED at either 0 or 100 percent. Performance indicator targets were established based on recommendations of a stakeholder group, and approved by the State Board of Education (SBE) in November 2014 (Table 5).

Table 1: California State Indicators

Indicator Type	No.	Description
Performance	1	Graduation Rates
Performance	2	Dropout Rates
Performance	3	Statewide Assessments
Performance	3A	LEAs Meeting Accountability for Students with Disabilities
Performance	3B	Participation for Students with Disabilities
Performance	3C	Proficiency for Students with Disabilities
Combined	4	Suspension and Expulsion
Performance	4A	Rates of Suspension and Expulsion
Compliance	4B	Rates of Suspension and Expulsion by Race or Ethnicity
Performance	5	Education Environments
Performance	5A	Education Environments (In Regular Class \geq 80% of day)
Performance	5B	Education Environments (In Regular Class $<$ 40% of day)
Performance	5C	Education Environments (Served in separate school or other placement)
Performance	6	Preschool Environments
Performance	6A	Preschool Environments: Services in the regular childhood program
Performance	6B	Preschool Environments: Separate special education class, school, or facility
Performance	7	Preschool Outcomes
Performance	7A	Preschool Outcomes: Positive social-emotional skills
Performance	7B	Preschool Outcomes: Acquisition/use of knowledge and skills
Performance	7C	Preschool Outcomes: Use of Appropriate Behaviors
Performance	8	Parent Involvement
Compliance	9	Disproportionate Representation
Compliance	10	Disproportionate Representation in Specific Disability Categories
Compliance	11	Child Find
Compliance	12	Early Childhood Transition
Compliance	13	Secondary Transition
Performance	14	Post-school Outcomes
Performance	14A	Enrolled in higher education within one year of leaving high school
Performance	14B	Enrolled in higher education or competitively employed within one year of leaving high school
Performance	14C	Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school
Performance	15	Resolution Sessions
Performance	16	Mediation
Performance	17	State Systemic Improvement Plan

Overview of Population and Services

During FFY 2018, a total of 795,047 students from birth to twenty-two years received special education from LEAs. There are 6,186,278 kindergarten through grade twelve students enrolled in California; students with disabilities comprise 11.6 percent of that population. Almost half of students with disabilities in California (48 percent) are between six and twelve years of age; over two-thirds of students with disabilities are male (67 percent); and over a quarter are English-language learners (26 percent). Of all students with disabilities, Hispanic/Latino students represent the greatest numbers of students in need of special education and related services (57 percent) followed by white students (23 percent). All tables and figures are based on students with disabilities birth to twenty-two years.

California students identified as having at least one disability are eligible for individualized services to meet their unique needs. There are 14 disability categories, as displayed in Table 2. The most common primary disability category designation for students is Specific Learning Disability (37.7 percent), followed by Speech or Language Impairment (20.7 percent).

Table 2: Enrollment of Students with Disabilities by Disability Type

Disability	Number of Students	Percentage
Specific Learning Disability (SLD)	300,295	37.77
Speech or Language Impairment (SLI)	164,698	20.72
Autism (AUT)	120,095	15.11
Other Health Impairment (OHI)	104,349	13.12
Intellectual Disability (ID)	43,770	5.51
Emotional Disturbance (ED)	25,233	3.17
Hard of Hearing (HH)	10,657	1.34
Orthopedic Impairment (OI)	9,916	1.25
Multiple Disability (MD)	7,308	0.92
Visual Impairment (VI)	3,405	0.43
Deafness (DEAF)	3,223	0.41
Traumatic Brain Injury (TBI)	1,541	0.19
Established Medical Disability (EMD)	443	0.06
Deaf Blindness (DB)	114	0.01
Totals	795,047	100.0

CASEMIS, Dec 2018

The CDE also tracks the type of school or program in which students with disabilities receive the majority of their instructional services. These include public schools, private schools, independent study, charter schools, community schools, correctional programs, higher education, and transition programs. Table 3 shows the top three school types for students with disabilities with the greatest proportion of students enrolled in a public day school (84.86 percent).

Table 3: Enrollment of Students with Disabilities by Type of School

School Type	Number of Students	Percentage
Public Day School	674,665	84.86
Charter School	60,249	7.57
All Other School Types	60,133	7.57
Totals	795,047	100.0

CASEMIS, Dec 2018

Students with disabilities in California receive a variety of services to address their unique needs. During FFY 2018–19, there were 1,950,410 services provided to California’s students with disabilities, many receiving multiple services. Table 4 lists the most commonly provided services to students. The most common service provided was Specialized Academic Instruction (34.07 percent) followed by Language and Speech (20.46 percent).

Table 4: Services Provided to Students with Disabilities

Services	Number of Students	Percentage
Specialized Academic Instruction	664,516	34.07
Language and Speech	399,056	20.46
Vocational/Career	356,082	18.27
Mental Health Services	161,346	8.27
All Other Services	369,410	18.93
Total	1,950,410	100.0

CASEMIS, Dec 2018

2018–19 Annual Performance Report Indicators

During FFY 2018, California met 43 percent of the 16 indicators. Table 5 identifies each indicator, its target, the FFY 2018 state results, and whether or not the target was met. The pages following Table 5 provide an overview of each individual indicator, including a description of the indicator, the target, the data collected, the results, and whether there was an increase or decrease in the results from prior year.

Table 5: Federal Fiscal Year 2018 Indicators, Target, Results, and Change

Indicators	Targets	Results	Met Target	Change from Prior Year
1 Graduation	90%	66.3%	No	+1.3%
2 Drop Out	≤10.72%	11.24%	No	-0.12%
3 Statewide Assessment	N/A	N/A	N/A	N/A

Indicators	Targets	Results	Met Target	Change from Prior Year
3B Participation	95% ELA/Math	94.5%/94.1%	No	Various
3C Elementary, High, and Unified Districts	15.9% ELA, 13.6% Math	Various	Yes/No	Various
4 Suspension/Expulsion	N/A	N/A	N/A	N/A
4A Suspension and Expulsion Rate Overall	≤10%	1.41%	Yes	-2.26%
4B Suspension and Expulsion Rate by Race/Ethnicity	0%	4.86%	No	-1.48%
5 Education Environments	N/A	N/A	N/A	N/A
5A Regular Class 80 Percent or More	≥52.2%	56.88%	Yes	+0.78%
5B Regular Class Less than 40 Percent	≤21.6%	19.53%	Yes	-0.29%
5C Separate Schools, Residential Facilities, or Homebound/Hospital Placements	≤3.8%	3.1%	Yes	-0.30%
6 Preschool Least Restrictive Environments	N/A	N/A	N/A	N/A
6A Regular Preschool	>35.9%	36.58%	Yes	-0.73%
6B Separate Schools or Classes	<31.4%	33.84%	No	-0.05%
7 Preschool Assessment	N/A	N/A	N/A	N/A
7A Positive Social-Emotional Skills	84.2%/80.5%	76.0%/76.7%	No	-0.7%/-0.9%
7B Use of Knowledge and Skills	81.7%/79.57%	75.2%/76.2%	No	-0.9%/-0.5%
7C Use of Appropriate Behaviors	75.70%/78.45%	75.4%/76.7%	No	+0.1%/-0.3%
8 Parent Involvement	93.0%	99.57%	Yes	+0.01%
9 Disproportionate Representation	0%	1.60%	No	+0.72
10 Disproportional Representation by Disability Category	0%	9.90%	No	-17.86
11 Child Find	100%	96.2%	No	-1.66%

Indicators	Targets	Results	Met Target	Change from Prior Year
12 Early Childhood Transition	100%	89.7%	No	-5.5%
13 Secondary Transition	100%	99.2%	No	-0.5%
14 Post-school Outcomes	N/A	N/A	N/A	N/A
14A Enrolled in Higher Education	54.30%	54.8%	Yes	+0.8%
14B Enrolled in Higher Education or Competitively Employed within a Year	74.4%	70.7%	No	-6.9%
14C Enrolled in Higher Education, Postsecondary Education or Training or Competitively Employed	83.0%	89.3%	Yes	+3.7%
15 Resolution Sessions	60%	21.9%	No	-2.2%
16 Mediation	60%	62.1%	Yes	+4.3%
17 State Systemic Improvement Plan	N/A	N/A	N/A	N/A

2019–20 Annual Performance Report Proposed Targets**Table 6: Proposed Federal Fiscal Year 2019 Targets**

Indicators	FFY 2018 Targets	FFY 2018 Results	FFY 2019 Targets
1 Graduation Rate	90%	66.3%	90%
2 Dropout Rate	≤10.72%	11.24%	≤9.72%
3 Statewide Assessment	N/A	N/A	N/A
3A Adequate Yearly Progress	Not Reported	Not Reported	Not Reported
3B Participation	95% ELA/Math	94.5%/94.1%	95% ELA/Math
3C Elementary, High, and Unified Districts	15.9 % ELA, 13.6% Math	Various	16.9 % ELA, 14.6% Math
4 Suspension/Expulsion	N/A	N/A	N/A
4A Suspension and Expulsion Rate Overall	≤10%	1.41%	≤10%
4B Suspension and Expulsion Rate by Race/Ethnicity	0%	4.86%	0%
5 Education Environments	N/A	N/A	N/A
5A Regular class 80 percent or more	52.2%	56.88%	53.2%
5B Regular class less than 40 percent	≤21.6%	19.53%	≤20.6%
5C Separate schools, residential facilities, or homebound/hospital placements	≤3.8%	3.1%	≤3.6%
6 Preschool Least Restrictive Environment	N/A	N/A	N/A
6A Regular preschool	35.9%	36.58%	36.9%
6B Separate schools or classes	≤31.4%	33.84%	≤30.4%
7 Preschool Assessment	N/A	N/A	N/A
7A Positive Social-Emotional Skills	84.2%/80.5%	76.0%/76.7%	85.2%/81.5%
7B Use of Knowledge and Skills	81.7%/79.57%	75.2%/76.2%	82.7%/80.5%
7C Use of Appropriate Behaviors	75.70%/ 78.45%	75.4%/76.7%	76.7%/79.4%
8 Percent of Parents Reporting the Schools Facilitated Parental Involvement	93%	99.57%	94%

Indicators	FFY 2018 Targets	FFY 2018 Results	FFY 2019 Targets
9 Disproportionate Representation	0%	1.60%	0%
10 Disproportional Representation by Disability Category	0%	9.90%	0%
11 Child Find	100%	96.2%	100%
12 Early Childhood Transition	100%	89.7%	100%
13 Secondary Transition	100%	99.2%	100%
14 Post-School Outcomes	N/A	N/A	N/A
14A Enrolled in higher education	54.3%	54.8%	55.3%
14B Enrolled in higher education or competitively employed within a year	74.4%	70.7%	75.4%
14C Enrolled in higher education, postsecondary education or training, or competitively employed	83.0%	89.3%	84%
15 Resolution Sessions	60%	21.9%	61%
16 Mediation	60%	62.1%	61%
17 State Systemic Improvement Plan	15.9% ELA, 13.6% Math	Various	16.9% ELA, 14.6% Math

Indicator 1: Graduation Rate

Description

Indicator 1 is a performance indicator that measures the percent of youth with individualized education programs (IEPs) graduating from high school with a regular diploma (20 United States Code [U.S.C.] Section 1416 [a][3][A]). The calculation methods for this indicator were revised in 2008–09 and again in 2009–10, to align with reporting criteria under Title I of the Elementary and Secondary Education Act (ESEA). A new reporting methodology was implemented for the FFY 2012 APR. The graduation rate uses the four-year adjusted cohort. The four-year adjusted cohort is the number of students who graduate from high school in four years with a regular high school diploma, divided by the number of students who form the adjusted cohort for the graduating class.

Target for 2018–19

Targeting a 2018 graduation rate of 90 percent or more. This target represents changes approved by the SBE and the Office of Special Education Programs (OSEP) in FFY 2014 and will be in effect for FFYs 2013–18.

Measurement

Data are reported in lag years using the CALPADS data from FFY 2017 (2017–18). The graduation rate is calculated by the number of students with IEPs graduating with a regular diploma divided by number of students with IEPs eligible to graduate.

Results for 2018–19

The graduation rate for FFY 2018 demonstrated 66.3 percent of students with disabilities graduated with a high school diploma.

Target Met: No

Proposed Target for FFY 2019: 90%

Graduation Rate Targets and Results for FFYs 2013–18

Indicator 1	2013	2014	2015	2016	2017	2018
Target	90%	90%	90%	90%	90%	90%
Result	61.8	62.2%	64.5%	65.5%	65.0%	66.3%
Target Met	No	No	No	No	No	No

Indicator 2: Dropout Rate

Description

Indicator 2 is a performance indicator that measures the percent of students with disabilities dropping out of high school (20 U.S.C. Section 1416 [a][3][A]). The calculation methodology for this indicator was revised in 2009–10 to create a more rigorous target and approved by the OSEP in April 2010. Dropout rates are calculated from data reported for grades nine through twelve. The CDE uses an annual (one-year) dropout rate.

Target for 2018–19

No more than 10.72 percent of students with disabilities will drop out of high school. These targets represent changes approved by the SBE and the OSEP in FFY 2014 and will be in effect for FFYs 2013–18.

Measurement

The data are reported in lag years using CASEMIS data from FFY 2017 (2017–18). The CDE uses an annual (one-year) dropout rate.

Results for 2018–19

For FFY 2018, the dropout rate was 11.24 percent.

Target Met: No

Proposed Target for FFY 2019: 9.72%

Dropout Rate Targets and Results for FFYs 2013–18

Indicator 2	2013	2014	2015	2016	2017	2018
Target	15.72%	14.72%	13.72%	12.72%	11.72%	10.72%
Result	15.7%	17.5%	14.4%	13.7%	11.3%	11.2%
Target Met	Yes	No	No	No	Yes	No

Indicator 3: Statewide Assessment

Description

Indicator 3 is a performance indicator that measures the participation and performance of students with disabilities on statewide assessments including: participation rate for students with disabilities; and rate of students with disabilities meeting standards against grade-level, modified, and alternate academic achievement standards (20 U.S.C. 1416 Section [a][3][A]).

Targets for 2018–19

Targets represent changes approved by the SBE and the OSEP in FFY 2014 and will be in effect for FFYs 2013–18.

- 3A. This indicator is not currently reported per direction from the ED. This indicator is no longer used as it was a calculated percentage tied to Adequate Yearly Progress (AYP) which no longer exists.
- 3B. The annual benchmark and target for participation on statewide assessments in English Language Arts (ELA) and math is 95 percent (rounded to nearest whole number), as established under ESEA.
- 3C. Consistent with the ESEA accountability framework, the 2016–17 annual benchmarks for the percent of students with disabilities proficient on statewide assessments are broken down by subject and student group. The targets for each student group is listed below.

ELA = 15.9 percent

Math = 13.6 percent

Measurement

Participation rate percentage equals the number of students with disabilities participating in the California Assessment of Student Performance and Progress tests divided by the total number of students with disabilities enrolled on the first day of testing, calculated separately for reading and math.

Proficiency rate percentage equals the number of students with disabilities scoring at or above proficient against grade level and alternate academic achievement standards divided by the total number of students with disabilities who received a valid score and for whom a proficiency level was assigned, and calculated separately for reading and math.

Results for 2017–18**Target Met: 3A Not Reported, 3B No, 3C Yes/No**

A. In FFY 2018 for Target A, the results are as follows:

Percent of LEAs Meeting AYP for Disability Student Group (3A)

Indicator 3A	2013	2014	2015	2016	2017	2018
Target	58%	59%	*	*	*	*
Result	17%	78.5%	*	*	*	*
Target Met	No	Yes	*	*	*	*

* This indicator is not currently reported per direction from the ED.

Proposed Target for FFY 2019: 95% for Math and ELA.

B. In FFY 2018 for Target B, the results are as follows:

Percent of Participation for Students with IEPs (3B)

Indicator 3B	2013*	2014	2015	2016	2017	2018
ELA Target	95%	95%	95%	95%	95%	95%
Result	18%	94.2%	93.4%	95.0%	94.1%	94.5%
Target Met	No	No	No	Yes	No	No
Math Target	95%	95%	95%	95%	95%	95%
Result	13%	93.8%	94.6%	94.7%	93.8%	94.1%
Target Met	No	No	No	No	No	No

*Pilot year for California Assessment of Student Performance and Progress, only California Alternate Performance Assessment data was included.

Proposed Target for FFY 2019: 16.9% for ELA, 14.6% for Math

C. In FFY 2018 for Target C (Proficiency), the results are as follows:

Percent Proficient for Students with Disabilities (3C)

Type of LEA	ELA Target	ELA Result	Target Met	Math Target	Math Result	Target Met
Elementary School Districts	15.0%	17.1%	Yes	13.6%	13.8%	Yes
High School Districts	15.9%	17.0%	Yes	13.6%	8.1%	No
Unified School Districts and County Offices of Education	15.9%	15.9%	Yes	13.6%	12.2%	No

Indicator 4A: Suspension and Expulsion Overall

Description

Indicator 4A is a performance indicator that measures the percent of LEAs that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for students with disabilities (20 U.S.C. Section 1416[a][3][A] and 1412[a][22]). An LEA is considered to have a significant discrepancy if the districtwide rate for suspension and expulsion exceeds the statewide rate for suspension and expulsion. The statewide rate is the number of students with IEPs who were disciplined greater than 10 days divided by the number of students with IEPs in the state. LEAs identified to have a significant discrepancy are required to review policies, procedures, and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Target for 2018–19

No more than 10 percent of LEAs will have rates of suspensions and expulsions of students with disabilities for greater than 10 days in a school year. These targets represent changes approved by the SBE and the OSEP in FFY 2014 and will be in effect for FFYs 2013–18.

Measurement

The data are reported using the CALPADS data from the FFY 2017 (lag year). The percent is calculated by the number of LEAs that have a significant discrepancy in the rates of suspensions and expulsions of students with IEPs for greater than 10 days in a school year divided by the number of LEAs in the state, multiplied by 100.

Results for 2018–19

In FFY 2018, there were 16 LEAs (1.41 percent) that had a rate of suspension and expulsion for more than 10 days of students with disabilities greater than the statewide rate.

Target Met: Yes

Proposed Target for FFY 2019: ≤10%

Suspension and Expulsion Targets and Results for FFYs 2013–18

Indicator 4A	2013	2014	2015	2016	2017	2018
Target	≤10%	≤10%	≤10%	≤10%	≤10%	≤10%
Result	1.2%	2.1%	2.3%	3.2%	3.6%	1.4%
Target Met	Yes	Yes	Yes	Yes	Yes	Yes

Indicator 4B: Suspension and Expulsion Rate by Race or Ethnicity

Description

Indicator 4B is a compliance indicator that measures the percent of LEAs that have: (1) significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for students with disabilities; and (2) policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards (20 U.S.C. Section 1416[a][3][A] and 1412[a][22]).

Target for 2018–19

Zero percent of LEAs will have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year for students with disabilities by race.

Measurement

The data are reported using the CALPADS data from FFY 2017 (lag year). This percent is calculated by the number of LEAs that have: (1) A significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of students with disabilities; and (2) policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards divided by the number of LEAs in the state, multiplied by 100.

Results for 2018–19

In FFY 2018, 4.86 percent of LEAs had a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year for students with disabilities by race.

Target Met: No

Proposed Target for FFY 2019: 0%

Suspension/Expulsion by Race or Ethnicity Targets and Results for FFYs 2013–18

Indicator 4B	2013	2014	2015	2016	2017	2018
Target	0%	0%	0%	0%	0%	0%
Result	1.8%	2.3%	5.7%	2.7%	6.3%	4.8%
Target Met	No	No	No	No	No	No

Indicator 5: Education Environments

Description

Indicator 5 is a performance indicator that measures the percent of students with disabilities, ages six to twenty-two, served inside the regular class 80 percent or more of the day; inside the regular class less than 40 percent of the day, and served in public or private separate schools, residential facilities, or homebound/hospital placement.

Targets for 2018–19

These targets represent changes approved by the SBE and the OSEP in FFY 2014 and will be in effect for FFYs 2013–18.

- 5A. A target of 52.2 percent or more of students with disabilities will be in regular class 80 percent of the day or more;
- 5B. No more than 21.6 percent of students with disabilities will be removed from regular class more than 60 percent of the day; **and**
- 5C. No more than 3.8 percent of students with disabilities are served in public or private separate schools, residential placements, or homebound/hospital placements.

Measurement

- 5A. The number of students with disabilities served inside the regular class 80 percent or more of the day divided by the total number of students age six to twenty-two with disabilities.
- 5B. The number of students with disabilities served inside the regular class less than 40 percent of the day divided by the total number of students age six to twenty-two with disabilities.
- 5C. The number of students with disabilities served in public or private separate schools, residential facilities, or homebound/hospital placements divided by the total number of students ages six to twenty-two with disabilities.

Results for 2018–19

California did meet the targets for 5A (56.88 percent of students were in regular class 80 percent of the day or more); for 5B, (19.53 percent of students were in regular class less than 40 percent of the day); and for 5C, (3.10 percent of students were served in public or private separate schools and facilities).

Target Met: 5A Yes, 5B Yes, 5C Yes

Proposed Target for FFY 2019: 5A 53.2%, 5B 20.6%, 5C 3.6%

Education Environment Targets and Results for FFYs 2013–18

Indicator 5	2013	2014	2015	2016	2017	2018
5A Target > 80%	49.2%	49.2%	49.2%	50.2%	51.2%	52.2%
Result	56.3%	53.3%	54.0%	54.9%	56.1%	56.8%
Target Met	Yes	Yes	Yes	Yes	Yes	Yes
5B Target < 40%	24.6%	24.6%	24.6%	23.6%	22.6%	21.6%
Result	23.6%	22%	21.5%	20.6%	19.8%	19.5%
Target Met	Yes	Yes	Yes	Yes	Yes	Yes
5C Target Separate School	4.4%	4.4%	4.4%	4.2%	4%	3.8%
Result	3.9%	3.3%	3.6%	3.5%	3.4%	3.1
Target Met	Yes	Yes	Yes	Yes	Yes	Yes

Indicator 6: Preschool Least Restrictive Environments

Description

Indicator 6 is a performance indicator that measures the percent of children with disabilities ages three through five years, attending a regular early childhood program and receiving the majority of special education and related service in the regular early childhood program; as well as children with disabilities attending a separate special education class, separate school, or residential facility (20 U.S.C. Section 1416[a][3][A]).

Target for 2018–19

These targets represent changes approved by the SBE and the OSEP in FFY 2014 and will be in effect for FFYs 2013–18.

6A. A target of 35.9 percent or more of children with disabilities will be served in settings with typically developing peers.

6B. No more than 31.4 percent of children with disabilities will be served in a separate special education class, separate school, or residential facility.

Measurement

6A. Percent = (number of children ages three through five with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total number of children ages three through five with IEPs), multiplied by 100.

6B. Percent = (number of children ages three through five with IEPs attending a separate special education class, separate school, or residential facility) divided by the (total number of children ages three through five with IEPs), multiplied by 100.

Results for 2018–19

6A. For FFY 2018, 36.58 percent of children ages three through five attended a regular early childhood program and received the majority of special education and related services in the regular early childhood program.

6B. For FFY 2018, 33.84 percent of children ages three through five attended a separate special education class, separate school, or residential facility.

Target Met: 6A Yes, 6B No

Proposed Target for FFY 2019: 6A 36.9%, 6B 30.4%

Preschool Environments Targets and Results for FFYs 2013–18

Indicator 6	2013	2014	2015	2016	2017	2018
6A Target – Preschool Regular Setting	32.9%	32.9%	32.9%	33.9%	34.9%	35.9%
Result	32.9%	32.9%	44.1%	45.1%	37.3%	36.5%
Target Met	Yes	Yes	Yes	Yes	Yes	Yes
6B Target – Preschool Separate Class, School, or Facility	34.4%	34.4%	34.4%	33.4%	32.4%	31.4%
Result	34.4%	34.4%	31.4%	29.8%	33.8%	33.8%
Target Met	Yes	Yes	Yes	Yes	No	No

Indicator 7A: Preschool Assessment–Positive Social-Emotional Skills

Description

Indicator 7A is a performance indicator that measures the percent of children with disabilities who demonstrate improvement in Positive Social-Emotional Skills, including social relationships.

Targets for 2018–19

- Of those children with disabilities who entered the program with below age expectations, 84.2 percent will substantially increase their rate of growth by the time they turn six years of age or exit the program.
- Of those children with disabilities who were functioning within age expectations, 80.5 percent will function within age expectations by the time they turn six years of age or exit the program.

Measurement

Positive social-emotional skills, including social relationships:

- Number of preschool children who did not improve functioning divided by the number of preschool children with IEPs assessed, multiplied by 100.
- Number of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers divided by the number of preschool children with IEPs assessed, multiplied by 100.
- Number of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it divided by the number of preschool children with IEPs assessed, multiplied by 100.
- Number of preschool children who improved functioning to reach a level comparable to same-aged peers divided by the number of preschool children with IEPs assessed, multiplied by 100.
- Number of preschool children who maintained functioning at a level comparable to same-aged peers divided by the number of preschool children with IEPs assessed, multiplied by 100.

Results for 2018–19

For FFY 2018, 76.0 percent of students substantially increased their rate of growth by the time they turned six years of age or exited the program, and 76.7 percent of

students were functioning within age expectations by the time they turned six years of age or exit the program.

Target Met: No

Proposed Target for FFY 2019: 7A1 85.2%, 7A2 81.5%

Preschool Outcomes—Positive Social-Emotional Skills Targets and Results for FFYs 2013–18

Indicator 7A	2013	2014	2015	2016*	2017	2018
Target	72.7%/ 82.1%	72.7%/ 82.1%	67.6%/ 72.5%	82.2%/ 78.5%	83.2%/ 79.5%	84.2%/ 80.5%
Result	59.4%/ 60.8%	60.9%/ 60.3%	67.6%/ 72.5%	82.2%/ 78.5%	76.7%/ 77.6%	76.0%/ 76.7%
Target Met	Yes	No	Yes	Yes	No	No

*Targets were changed this year

Indicator 7B: Preschool Assessment–Acquisition and Use of Knowledge and Skills

Description

Indicator 7B is a performance indicator that measures the percent of children with disabilities who demonstrate improvement in acquisition and use of knowledge and skills, including early language/communication and early literacy.

Targets for 2018–19

- Of those children with disabilities who entered the program with below age expectations, 81.7 percent will substantially increase their rate of growth by the time they turn six years of age or exit the program.
- Of children with disabilities who were functioning within age expectations, 79.57 percent will function within age expectations by the time they turn six years of age or exit the program.

Measurement

Acquisition and use of knowledge and skills, including early language/communication and early literacy is measured by the:

- Number of preschool children who did not improve functioning divided by the number of preschool children with disabilities assessed, multiplied by 100.
- Number of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers divided by the number of preschool children with disabilities assessed, multiplied by 100.
- Number of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it divided by the number of preschool children with disabilities assessed, multiplied by 100.
- Number of preschool children who improved functioning to reach a level comparable to same-aged peers divided by the number of preschool children with disabilities assessed, multiplied by 100.
- Number of preschool children who maintained functioning at a level comparable to same-aged peers divided by the number of preschool children with disabilities assessed, multiplied by 100.

Results for 2018–19

In FFY 2018, 75.2% percent of students substantially increased their rate of growth by the time they turned six years of age or exited the program; and 76.2 percent of students were functioning within age expectations by the time they turned six years of age or exit the program.

Target Met: No

Proposed Target for FFY 2019: 7B1 82.7%, 7B2 80.5%

Preschool Outcomes–Acquisition and Use of Knowledge and Skills Targets and Results for FFYs 2013–18

Indicator 7B	2013	2014	2015	2016*	2017	2018
Target	70% / 82.5%	70% / 82.5%	68.6% / 71.2%	79.7%/ 77.57%	80.7%/ 78.57%	81.7%/ 79.57%
Result	60.9% / 60.3%	60.2% / 59.6%	68.6% / 71.2%	79.7%/ 77.6%	76.1%/ 76.7%	75.2%/ 76.2%
Target Met	No	No	Yes	Yes	No	No

* Targets were changed this year due to new assessment tool

Indicator 7C: Preschool Assessment–Use of Appropriate Behaviors

Description

Indicator 7C is a performance indicator that measures the percent of children with disabilities who demonstrate improvement in Use of Appropriate Behaviors to meet their needs (20 U.S.C. Section 1416[a][3][A]).

Targets for 2018–19

- Of those children who entered the program with below age expectations, 75.7 percent will substantially increase their rate of growth by the time they turn six years of age or exit the program.
- Of those children who were functioning within age expectations, 78.45 percent will function within age expectations by the time they turn six years of age or exit the program.

Measurement

Use of Appropriate Behaviors to meet their needs:

- Number of preschool children who did not improve functioning divided by the number of preschool children with disabilities assessed, multiplied by 100.
- Number of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers divided by the number of preschool children with disabilities assessed, multiplied by 100.
- Number of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it divided by the number of preschool children with disabilities assessed, multiplied by 100.
- Number of preschool children who improved functioning to reach a level comparable to same-aged peers divided by the number of preschool children with disabilities assessed, multiplied by 100.
- Number of preschool children who maintained functioning at a level comparable to same-aged peers divided by the number of preschool children with disabilities assessed, multiplied by 100.

Results for 2018–19

In FFY 2018, 75.4 percent of students substantially increased their rate of growth by the time they turned six years of age or exit the program; and 76.7 percent of students were

functioning within age expectations by the time they turned six years of age or exit the program.

Target Met: N/A

Proposed Target for FFY 2019: 7C1 76.7%, 7C2 79.45%

**Preschool Outcomes–Use of Appropriate Behaviors Targets and Results
for FFYs 2013–18**

Indicator 7C	2013	2014	2015	2016*	2017	2018
Target	75%/ 79%	75%/ 79%	68.7%/ 70.4%	73.7%/ 76.45%	74.7%/ 77.45%	75.7%/ 78.45%
Result	65.9%/ 65.7%	65.8%/ 65.8%	68.7%/ 70.4%	73.7%/ 76.5%	75.3%/ 77.0%	75.4%/ 76.7%
Target Met	No	No	Yes	Yes	Yes/No	No

* Targets were changed this year due to new assessment tool

Indicator 8: Percent of Parents Reporting the Schools Facilitated Parental Involvement

Description

Indicator 8 is a performance indicator that measures the percent of parents with a student receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for students with disabilities (20 U.S.C. Section 1416[a][3][A]). These data are one question in a survey distributed, collected, and reported by the Special Education Local Plan Areas (SELPA's). The measure is the percentage of parents responding "yes" to the following question: "Did the school district facilitate parent involvement as a means of improving services and results for your child?"

Target for 2018–19

Ninety-three percent of parents will report LEAs facilitated parent involvement as a means of improving services and results for students with disabilities. These targets represent changes approved by the SBE and the OSEP in FFY 2014 and will be in effect for FFYs 2013–18.

Measurement

The number of respondent parents who report schools facilitated parent involvement as a means of improving services and results for students with disabilities divided by the total number of respondent parents of students with disabilities.

Results for 2018–19

The result for FFY 2018 was 99.57 percent of respondent parents with a student receiving special education services reported that LEAs facilitated parental involvement.

Target Met: Yes

Proposed Target for FFY 2019: 94%

Parent Involvement/Input–Targets and Results for FFYs 2013–18

Indicator 8	2013	2014	2015	2016	2017	2018
Target	90%	90%	90%	91%	92%	93%
Result	99.1%	99.2%	93.8%	99.5%	99.5%	99.5%
Target Met	Yes	Yes	Yes	Yes	Yes	Yes

Indicator 9: Disproportionate Representation

Description

Indicator 9 is a compliance indicator that measures the percent of LEAs with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification (20 U.S.C. Section 1416[a][3][C]). The calculation for Indicator 9 has been changed to match the new federal regulations in 34 *Code of Federal Regulation* (CFR) 300.647. Effective FFY 2016, the CDE uses the risk ratio (or the alternate risk ratio when appropriate) to make identification of disproportionate representation. LEAs selected are required to go through a review of policies, practices, and procedures.

Target for 2018–19

Zero percent of LEAs will have disproportionate representation of racial and ethnic groups in special education and related services as a result of inappropriate identification.

Measurement

The number of LEAs with disproportionate representation of racial and ethnic groups in special education and related services as a result of inappropriate identification divided by the number of LEAs in the state.

Results for 2018–19

For FFY 2018, 1.60 percent of LEAs had disproportionate representation of racial and ethnic groups in special education and related services as a result of inappropriate identification. The CDE requires these disproportionate LEAs to implement corrective actions.

Target Met: No

Proposed Target for FFY 2019: 0%

Disproportionate Representation Targets and Results for FFYs 2013–18

Indicator 9	2013	2014	2015	2016	2017	2018
Target	0%	0%	0%	0%	0%	0%
Result	.09%	.09%	0%	2.57%	0.88%	1.60%
Target Met	No	No	Yes	No	No	No

Indicator 10: Disproportionate Representation by Disability Categories

Description

Indicator 10 is a compliance indicator that measures the percent of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification (20 U.S.C. Section 1416[a][3][C]). The calculation for Indicator 10 (Ethnicity by Disability) has been changed to match the new federal regulations in 34 CFR 300.647. Effective FFY 2016, the CDE uses the risk ratio (or the alternate risk ratio when appropriate) to make identification of disproportionate representation. LEAs selected are required to go through a review of policies, practices, and procedures. LEAs identified below had noncompliance in those reviews.

Target for 2018–19

Zero percent of LEAs will have disproportionate representation of racial and ethnic groups in specific disability categories as a result of inappropriate identification.

Measurement

The number of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories, as identified by either the risk ratio or the alternate risk ratio, which is the result of inappropriate identification divided by the number of LEAs in the state.

Results for 2018–19

For FFY 2018, 9.90 percent of LEAs had disproportionate representation of racial and ethnic groups in specific disability categories as a result of inappropriate identification. The CDE requires these significant disproportionate LEAs to implement corrective actions.

Target Met: No

Proposed Target for FFY 2019: 0%

Disproportionate Representation in Specific Disability Categories Targets and Results for FFYs 2013–18

Indicator 10	2013	2014	2015	2016	2017	2018
Target	0%	0%	0%	0%	0%	0%
Result	.57%	.87%	.75%	17.14%	27.76%	9.90%
Target Met	No	No	No	No	No	No

Indicator 11: Child Find

Description

Indicator 11 is a compliance indicator that measures the percent of students with disabilities who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the state establishes a timeframe within which the evaluation must be conducted, within that timeframe (20 U.S.C. Section 1416[a][3][B]). These data were calculated using CASEMIS data fields related to parental consent date and initial evaluation date. Determination of eligibility was made using the data field which includes the type of plan a student has (IEP, Individualized Family Support Plan, Individual Service Plan), if the student is eligible, or no plan if the student is determined ineligible. If the parent of a student repeatedly failed or refused to bring the student for the evaluation, or a student enrolled in a school of another public agency after the timeframe for initial evaluations had begun, and prior to a determination by the students previous public agency as to whether the student is a student with a disability, then the student was eliminated from both the numerator and the denominator.

Target for 2018–19

Eligibility determinations will be completed within 60 days for 100 percent of students with disabilities for whom parental consent to evaluate was received.

Measurement

The number of students whose evaluations were completed within 60 days (or a state-established time line) divided by the number of students for whom parental consent to evaluate was received.

Results for 2018–19

For FFY 2018, 96.2 percent of eligibility determinations were completed within 60 days for students whom parental consent to evaluate was received.

Target Met: No

Proposed Target for FFY 2019: 100%

Child Find Targets and Results for FFYs 2013–18

Indicator 11	2013	2014	2015	2016	2017	2018
Target	100%	100%	100%	100%	100%	100%
Result	98.1%	96%	98.7%	98.5%	97.8%	96.2%
Target Met	No	No	No	No	No	No

Indicator 12: Early Childhood Transition

Description

Indicator 12 is a compliance indicator that measures the percent of children referred by the infant program (IDEA Part C) prior to age three, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday (20 U.S.C. Section 1416[a][3][B]). These data were collected through CASEMIS and data from the Department of Developmental Services.

Target for 2018–19

One hundred percent of children referred by the IDEA Part C prior to age three and who are found eligible for the IDEA Part B will have an IEP developed and implemented by their third birthday.

Measurement

- Number of children who have been served in Part C and referred to Part B (LEA notified pursuant to the IDEA section 637[a][9][A] for Part B eligibility determination).
- Number of children referred determined to **not** be eligible and whose eligibilities were determined prior to their third birthday.
- Number of children found eligible who have an IEP developed and implemented by their third birthday.
- Number of children for whom parental refusal to provide consent caused delays in evaluation or initial services.
- Number of children who were referred to Part C less than 90 days before their third birthdays.

Percent of children referred equals (c) divided by (a-b-d-e) times 100.

Results for 2018–19

For FFY 2018, 89.7 percent of children referred by Part C of IDEA prior to age three and who were found eligible for Part B of IDEA had an IEP developed and implemented by their third birthday. To increase this rate, the CDE has been partnering with the IDEA Part C agency, the California Department of Developmental Services, to increase timely referrals.

Target Met: No

Proposed Target for FFY 2019: 100%

Early Childhood Transition Targets and Results for FFYs 2013–18

Indicator 12	2013	2014	2015	2016	2017	2018
Target	100%	100%	100%	100%	100%	100%
Result	98.5%	93.5%	86%	94%	95.1%	89.7%
Target Met	No	No	No	No	No	No

Indicator 13: Secondary Transition

Description

Indicator 13 is a compliance indicator that measures the percent of students with disabilities ages sixteen and above with an IEP that includes appropriate measurable postsecondary goals annually updated and based upon an age appropriate transition assessment and transition services, including courses of study that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition service needs. There must also be evidence that the student was invited to the IEP meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP team meeting with the prior consent of the parent or student who has reached the age of majority (20 U.S.C. Section 1416[a][3][B]).

Target for 2018–19

One hundred percent of students ages sixteen and above will have an IEP that includes appropriate and measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment and transition services.

Measurement

Number of students with IEPs ages sixteen and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment and transition services divided by the number of students with an IEP ages sixteen and above.

Results for 2018–19

For FFY 2018, 99.2 percent of students with IEPs, ages sixteen and above, have all eight postsecondary goals included in their IEPs which include (1) education, training, employment, and independent living; (2) updated goals according to the student's changing strengths and preferences; (3) age appropriate transition assessment; (4) services that will reasonably enable the student to meet his or her goals; (5) courses that will reasonably enable the student to meet his or her goals; (6) annual goals related to the student's transition services needs; (7) evidence the student was invited to the IEP meeting; and (8) evidence a representative of any participating agency was invited to the IEP meeting with prior consent of the parent or student who has reached the age of majority.

Target Met: No

Proposed Target for FFY 2019: 100%

ofab-sed-jan20item01

Attachment 1

Page 38 of 43

Secondary Transition (Part C to Part B) Targets and Results for FFYs 2013–18

Indicator 13	2013	2014	2015	2016	2017	2018
Target	100%	100%	100%	100%	100%	100%
Result	93.5%	99.4%	99.6%	99.8%	99.7%	99.2%
Target Met	No	No	No	No	No	No

Indicator 14: Post-school Outcomes

Description

Indicator 14 is a performance indicator that measures the percent of youth who are no longer in secondary school but had IEPs in effect at the time they left school, and were either enrolled in higher education within one year of leaving high school; enrolled in higher education or competitively employed within one year of leaving high school; or enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school (20 U.S.C. Section 1416[a][3][B]).

Target for 2018–19

These targets represent changes approved by the SBE and the OSEP in FFY 2014 and will be in effect for FFYs 2013–18.

- 14A. A target of 54.3 percent or more of youth who had IEPs who are no longer in secondary school will be reported to have been enrolled in some type of postsecondary school within one year of leaving high school.
- 14B. A target of 74.4 percent or more of youth who had IEPs who are no longer in secondary school will be reported to have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.
- 14C. A target of 83 percent or more of youth who had IEPs who are no longer in secondary school will be reported to have been enrolled in higher education or in some type of postsecondary school, or training program; or competitively employed in some other employment.

Measurement

- 14A. The number of youth who are no longer in secondary school, had IEPs in effect when they left school, and were enrolled in higher education within one year of leaving high school divided by the number of respondent youth who are no longer in secondary school.
- 14B. Number of youth who are no longer in secondary school, had IEPs in effect when they left school, and were enrolled in higher education or competitively employed within one year of leaving high school divided by the number of respondent youth who are no longer in secondary school.
- 14C. Number of youth who are no longer in secondary school, had IEPs in effect when they left school, and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in

some other employment divided by the number of respondent youth who are no longer in secondary school.

Results for 2018–19

14A. For FFY 2018, 54.8 percent of youth who had IEPs who were no longer in secondary school reported to have been enrolled in some type of postsecondary school within one year of leaving high school.

14B. For FFY 2018, 70.7 percent of youth who had IEPs who were no longer in secondary school reported to have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

14C. For FFY 2018, 89.3 percent of youth who had IEPs who were no longer in secondary school reported to have been enrolled in higher education or in some type of postsecondary school, or training program; or competitively employed in some other employment.

Target Met: 14A Yes, 14B No, 14C Yes

Proposed Target for FFY 2019: 14A 55.3%, 14B 75.4%, 14C 84%

Post-school Outcomes Targets and Results for FFYs 2013–18

Indicator 14	2013	2014	2015	2016	2017	2018
14A Target – Postsecondary	52.3%	52.3%	52.3%	52.3%	53.3%	54.3%
Result	52.3%	50.4%	52.3%	48.9%	53.9%	54.8%
Target Met	Yes	Yes	Yes	No	Yes	Yes
14B Target – Employed/Postsecondary	72.4%	72.4%	72.4%	72.4%	73.4%	74.4%
Result	72.4%	72.4%	75.5%	72.6%	77.6%	70.7%
Target Met	No	Yes	Yes	Yes	Yes	No
14C Target – Any Education/Employment	81%	81%	81%	81%	82%	83%
Result	81%	82.1%	83.2%	81.7%	85.5%	89.3%
Target Met	Yes	Yes	Yes	Yes	Yes	Yes

Indicator 15: Resolution Sessions

Description

Indicator 15 is a performance indicator that measures the percent of due process hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (20 U.S.C. Section 1416[a][3][B]).

Target for 2018–19

Sixty percent of due process hearing requests will be resolved through resolution session settlement agreements.

Measurement

Percent equals the number of resolution sessions resolved through settlement agreements divided by the number of resolution sessions multiplied by 100.

Results for 2018–19

For FFY 2018, 21.9 percent of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements.

Target Met: No

Proposed Target for FFY 2019: 61%

Resolution Sessions Targets and Results for FFYs 2013–18

Indicator 15	2013	2014	2015	2016	2017	2018
Target	55%	56%	57%	58%	59%	60%
Result	32.7%	30.2%	32.1%	31.2%	24.1%	21.9%
Target Met	No	No	No	No	No	No

Indicator 16: Mediation

Description

Indicator 16 is a performance indicator that measures the percent of mediations held that resulted in mediation agreements (20 U.S.C. Section 1416[a][3][B]).

Target for 2018–19

Sixty percent of mediation conferences will result in mediation agreements.

Measurement

Percent equals mediation agreements related to due process complaints plus mediation agreements not related to due process complaints divided by number of mediations held, multiplied by 100.

Results for 2018–19

For FFY 2018, 62.1 percent of mediation conferences resulted in mediation agreements.

Target Met: Yes

Proposed Target for FFY 2019: 61%

Mediation Targets and Results for FFYs 2013–18

Indicator 16	2013	2014	2015	2016	2017	2018
Target	55%	56%	57%	58%	59%	60%
Result	65.1%	62.6%	60.0%	53.6%	57.8%	62.1%
Target Met	Yes	Yes	Yes	No	No	Yes

Indicator 17: State Systemic Improvement Plan

Description

The State Systemic Improvement Plan indicator describes how the state identified and analyzed key data, including data from the SPP/APR indicators, section 618 of the IDEA data collections, and other available data as applicable, to: (1) Select the State-identified Measurable Result(s) for students with disabilities, and (2) Identify root causes contributing to low performance. The description must include information about how the data were disaggregated by multiple variables (LEA, region, race/ethnicity, gender, disability category, placement, etc.). As part of its data analysis, the state should also consider compliance data and whether those data present potential barriers to improvement. In addition, if the state identifies any concerns about the quality of the data, the description must include how the state will address these concerns. Finally, if additional data are needed, the description should include the methods and timelines to collect and analyze the additional data. This indicator will be reported to the SBE in March 2020 for approval and will be submitted to OSEP in April 2020.

ATTACHMENT 8

**Intensive Review Ages 6 through 21
Indicator Calculations**

Indicator	Calculation
Proficiency Rate in English Language Arts	<p>Number of students with disabilities (SWD) assessed on the annual statewide assessment and scored achievement level 3 (standard met) or level 4 (standard exceeded) divided by number of students with disabilities participating on the annual state assessment.</p> <ul style="list-style-type: none"> • Annual statewide assessment is the Smarter Balanced Assessment. • Testing grades for English Language Arts is grade 3 through 8 and 11. • Only valid scores are included. <p>Source: CAASPP Test File 2018</p>
Proficiency Rate in Math	<p>Number of students with disabilities assessed on the annual statewide assessment and scored achievement level 3 (standard met) or level 4 (standard exceeded) divided by number of students with disabilities participating on the annual state assessment.</p> <ul style="list-style-type: none"> • Annual statewide assessment is the Smarter Balanced Assessment. • Testing grades for Math is grade 3 through 8 and 11. • Only valid scores are included. <p>Source: CAASPP Test File 2018</p>
Rate of Suspension	<p>Number of students with disabilities suspended divided by cumulative enrollment</p> <ul style="list-style-type: none"> • Cumulative Enrollment is only used by the Dashboard Suspension file and is not the same as the December 2018 census count. • Student Incident Result Category Codes 100 (out of school suspension) and 110 (In-school suspension) are used • Null records are treated as 0 where the denominator is greater than 0 <p>Source: Dashboard Suspension File</p>

**Intensive Review Ages 6 through 21
Indicator Calculations**

Indicator	Calculation
Rate of Chronic Absenteeism	<p>Unduplicated count of students with disabilities determined to be chronically absent divided by the chronic absenteeism enrollment.</p> <ul style="list-style-type: none"> Students are determined to be chronically absent if they were enrolled for a combined total of 30 days or more at the selected reporting level during the academic year and they were absent for 10% or more of the days they were expected to attend. Chronic Absenteeism Enrollment uses the Cumulative Enrollment of the selected entity as the baseline and removes students that were not eligible to be considered chronically absent at that entity. Students that are enrolled less than 31 instructional days at the selected entity are not eligible to be considered chronically absent at that entity. <p>Source: DataQuest</p>
Rate of Students in a Regular Class Greater than 80% of the day	<p>Number of students with disabilities aged 6 through 21 served inside the regular class 80% or more of the day divided by the total number of students with disabilities aged 6 through 21.</p> <p>Source: CASEMIS, Dec18</p>
Rate of Students in Separate Schools and Placements	<p>Number of students with disabilities aged 6 through 21 served in separate schools, residential facilities, or homebound/hospital placements divided by the total number of students with disabilities aged 6 through 21.</p> <p>Source: CASEMIS, Dec18</p>

Notes:

Smalls Determination

- Less than or equal to 100 SWD, Age \geq 6 (with a valid plan type)
- Based on census December 2018 data

**Intensive Review Ages 6 through 21
Indicator Calculations**

- If an LEA is determined to be small:
 - a. Charter Smalls in Charter SELPA → Grouped by Charter SELPA
 - b. Charter Smalls not in Charter SELPA → Grouped by County
 - c. District Smalls → Grouped by County

Data Calculations

- Raw Level data used to calculate percentages
- No minimum n-size considered

ATTACHMENT 9



Significant Disproportionality Stakeholder Group Meeting June 24, 2019



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Morning Agenda

10:00 – 10:30am Welcome, Introductions and Ice Breaker

10:30 – 10:40am Review: The Role of the Significant Disproportionality Stakeholders Group

10:40 – 11:00am Updates on Significant Disproportionality Regulations: 2016 Individuals with Disabilities Act (IDEA) and California Implementation

11:00 – 11:15am Guided Group Discussion: Should Discipline be Treated Differently than Placement and Identification?

11:15 – 12:15pm Considering Reasonable Progress for Determining Significant Disproportionality: Table and Group Discussions for Sharing Feedback and Recommendations



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Afternoon Agenda

12:15 – 1:15pm LUNCH

1:15 – 2:00pm Updates from Focused Monitoring and Technical Assistance Unit (FMTA) III and SPP-TAP Project Regarding Monitoring and Technical Assistance

2:00 – 2:30pm Preschool Disproportionality Subcommittee Report

2:30 – 2:45pm BREAK

2:45 – 3:15pm Stakeholder Recommendations Brief: Purpose, Objective, Audience and Authorship

3:15 – 3:45pm Objectives and Agenda Building for September 2019 Significant Disproportionality Stakeholder Meeting

3:45 – 4:00 Wrap-Up, Questions and Closing Comments



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Why is Significant Disproportionality Important?

- What is Your “Why”?
- <https://www.youtube.com/watch?v=oVSTKpJBq-8>
- What is your “Why” for being a member of the Significant Disproportionality Stakeholder Group?



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Welcome and Introduction

- Introduce yourself and your “day job” or role
- Why did you join the Significant Disproportionality Stakeholder Group?



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Review Purpose of the Significant Disproportionality Stakeholder Group

Advise CDE in setting California criteria in determining Significant Disproportionality, specifically:

- (A) Reasonable risk ratio threshold;
- (B) Reasonable minimum cell size;
- (C) Reasonable minimum n-size; and
- (D) Standard for measuring reasonable progress

(Title 34, Code of Federal Regulations (*CFR*) Section 300.647)



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Meeting Outcomes

- Provide Feedback and Recommendations for Reasonable Progress for Significantly Disproportionate LEAs
- Revisit and discuss discipline risk ratio
- Provide feedback for Aligning Disproportionality and Significant Disproportionality Monitoring and Technical Assistance
- Update from Preschool Monitoring Work Group
- Updates on Significant Disproportionality 2016 Individuals with Disabilities Act (IDEA) and California Implementation
- Discuss Stakeholder Brief DRAFT



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Disproportionality Requirements

Monitoring Authority

Per 34 *CFR* 300.600(d), States are **required to** monitor and ensure local educational agency (LEA) **policies, procedures and practices** are compliant; and,

- do not lead to **inappropriate identification**
- comply with requirements relating to **development and implementation of the individualized education program (IEP)**; and
- use **positive behavioral interventions and supports** and **procedural safeguards**



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Significant Disproportionality

Definition: LEAs identified with **overrepresentation** in one or more of the three areas of disproportionality, in the **same area** and within the **same population** for three consecutive years.

Significantly Disproportionate LEAs are required to undergo **monitoring** and **set-aside 15 percent** of Individuals with Disabilities Education Act of 2004 (IDEA) **funds** to address and remedy the significant disproportionality.



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Advice from Stakeholders. Federal Statutory Language

b)Significant disproportionality determinations. In determining whether significant disproportionality exists in a State or LEA under § 300.646(a) and

(i) The State must set a:

- (A) Reasonable risk ratio threshold;
- (B) Reasonable minimum cell size;
- (C) Reasonable minimum n-size; and
- (D) Standard for measuring reasonable progress if a State uses the flexibility described in paragraph (d)(2) of this section.

(ii) The State may, but is not required to, set the standards set forth in paragraph (b)(1)(i) of this section at different levels for each of the categories described in paragraphs (b)(3) and (4) of this section.

(iii) The standards set forth in paragraph (b)(1)(i) of this section:

(A) Must be based on advice from stakeholders, including State Advisory Panels, as provided under section 612(a)(21)(D)(iii) of the Act; and

(B) Are subject to monitoring and enforcement for reasonableness by the Secretary consistent with section 616 of the Act.



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Methodology and Data: Updates and Seeking Stakeholder Input

Shiylah Duncan-Becerril, Data Administrator
Special Education Division
California Department of Education



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Significantly Disproportionate Local Educational Agencies (2019-2020 Set Aside Year)

- There are 12 LEAs identified as Significantly Disproportionate
 - 6 LEAs are significantly disproportionate for Discipline
 - 8 LEAs are significantly disproportionate for Indicator 10 (over-identified specific disability)
 - 7 LEAs for Emotional Disturbance (ED)
 - 1 LEA for Specific Learning Disability (SLD)
 - 1 LEA is significantly disproportionate for Placement



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Should Discipline be Treated Differently?

- Currently all risk ratio thresholds are set at 3.0. Should discipline be treated differently?
 - What information would you like to know?
- Table talk discussions and share out



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Reasonable Progress (1)

- States may set different measures for making “reasonable progress” in lowering different risk ratios for each of the categories of analysis.
- Each measure must be applied uniformly across the State.
- States must develop measures for “reasonable progress” with the advice of stakeholders, including State Advisory Panels. (See 34 *CFR* Section 300.647(b)(1)(iii)(A).) .



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Reasonable Progress (2)

- Standards based on whether the progress realized by LEAs in lowering risk ratios represents a meaningful benefit to children in the LEA, rather than statistical noise or chance.
- Requires data from the three immediately prior consecutive years. Three years of data are necessary to show the decrease over the two-year period required by the regulations



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Office of Special Education Programs (OSEP) Additional Guidance on Reasonable Progress

Here is what the guidance from the Office of Special Education Programs (OSEP) says.

- States are not required to identify an LEA with significant disproportionality if the LEA has exceeded the risk ratio threshold but has demonstrated reasonable progress, as determined by the State, in lowering the risk ratio (or alternate risk ratio) for the group and category of analysis in each of the two prior consecutive years. This flexibility exists so that States need not interrupt successful efforts in meaningfully reducing significant disproportionality. (See 34 C.F.R. §300.647(d)(2).)

<https://sites.ed.gov/idea/files/significant-disproportionality-qa-03-08-17.pdf>



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OSEP Example of Reasonable Progress

Here is an example provided by OSEP:

- The State has adopted the reasonable progress flexibility, defining reasonable progress as a decrease in a risk ratio of 0.5 or more for each of the two prior consecutive years. With this flexibility, the State would not identify an LEA with significant disproportionality for African-American children identified as children with disabilities. The decrease for in the risk ratio from SY's 2018–19 to 2019–20 was 0.6, and the decrease from SY's 2019–20 to 2020–21 was 0.7, both greater than 0.5.
- <https://sites.ed.gov/idea/files/significant-disproportionality-qa-03-08-17.pdf>



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Table Talk Discussion

What would you consider to be standards of reasonable progress based on whether the progress realized by LEAs in lowering risk ratios represents a **meaningful benefit to children** in the LEA, **rather than statistical noise or chance?**



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Share Out and Recommendation

- What should the state consider reasonable progress?
- What are the most important factors to be considered in determining reasonable progress?
- What is the rationale for wanting this reasonable progress methodology?



Lunch 12:15 to 1:15pm



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Significant Disproportionality Means Using 15% of IDEA Funds for Comprehensive Coordinated Early Intervening Services:

Requirements and Expectations and Updates/Changes from Previous Allowable Uses



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Comprehensive Coordinated Early Intervening Services (1)

- 34 *CFR* 300.646
- Mandatory for LEAs identified as having significant disproportionality
- Identification, placement, and/or disciplinary removals must use IDEA Part B funds for Comprehensive Coordinated Early Intervening Services (CCEIS)



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Comprehensive Coordinated Early Intervening Services (2)

- Groups served:
 - Children who are not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment.
 - Children currently identified as needing special education or related services (funds can be used primarily, but not exclusively, for this group).
 - Ages 3 – Grade 12
- Funding: 15 percent of IDEA Part B funds



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Comprehensive Coordinated Early Intervening Services (3)

- **Permitted activities:**
 - Professional development and educational and behavioral evaluations, services, and supports.
 - The activities must address factors and policy, practice, or procedure contributing to significant disproportionality.
- **Reporting requirements:**
 - An LEA is required to publicly report on the revision of policies, practices, and procedures.
 - Additional reporting requirements to be determined by Office of Special Education Programs (OSEP) at a future date.



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The California Department of Education Comprehensive Coordinated Early Intervening Services Requirements

- Utilize SPP-TAP TA Facilitator - 10 hours minimum per indicator
- Approved CCEIS Plan
 - Four Phase CCEIS process
 - Measurable goals
 - Planned Activities
 - Alignment of activities with budget expenditures for 15 percent set-aside
 - Signatures from Superintendent, Special Education Director, Special Education Local Plan Area (SELPA) Director, School Board President and Budget Officer
- Quarterly reports including expenditures



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Focused Monitoring and Technical Assistance Unit III and State Performance Plan Technical Assistance Project Updates

- Site Visits by FMTA III Consultants
- Technical Assistance (TA) Facilitator Share-Outs
- CCEIS plan due date changed to January 10, 2020
- Spring CCEIS Workshop held May 31, 2019
- Fall CCEIS Workshop October 21, 2019



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Regions



- Libbey Durkee: 1, 5
- Nicole Garibaldi: 8, 9
- Lisa Boje: 2, 11
- Susan Olsen: 3, 7, 10
- Kishaun Thorntona: 4, 6
- (1 Vacancy)



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The California Department of Education Provides Support through a Contract with the State Performance Plan Technical Assistance Project (SPP-TAP)



- Created in 2009
- Supported over 100 Local Educational Agencies (LEAs)
- Supported many LEAs in Eliminating Significant Disproportionality
- Multiple Activities and Support (See Next Slide)



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State Performance Plan Technical Assistance Project Services and Supports





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Programmatic Improvement Process for Significant Disproportionality

FOUR PHASE PROCESS

Programmatic Improvement Process

Apply a Cultural Lens throughout the four phase process

Phase I:
Getting
Started



Phase II:
Data Discovery
and Root Cause



Phase III:
Planning for
Improvement



Phase IV:
Implementing,
Evaluating, and
Sustaining





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Aligning Disproportionality and Significant Disproportionality

- Disproportionality Self-Study
- Collaboration with State SELPA Compliance Committee
- Collaboration with South County SELPA
- 2-Year Early Warning Emails



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Discussion on Proposed Draft Stakeholder Recommendations Brief Titled:

“From Disproportionality to Equity:
A Moral Imperative”



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Preschool Monitoring Workgroup

- Purpose and membership
- Recommendation of July 2020 Preschool Significant Disproportionality monitoring going into effect
- Group met on June 18, 2019
- Next meeting August 2019
- Recommendations to whole group for consideration



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Revisit Meeting Outcomes

- Updates on Significant Disproportionality 2016 IDEA and California Implementation
- Share and Discuss DRAFT Proposed Stakeholders' Brief
- Provide Feedback and Recommendations for Reasonable Progress for Significantly Disproportionate LEAs.
- Provide feedback for Aligning Disproportionality and Significant Disproportionality Monitoring and Technical Assistance.
- Update from Preschool Monitoring Work Group



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Next Steps

- Future Meeting
 - September 17, 2019
 - December 9, 2019
- Recommended topics for September meeting

ATTACHMENT 10



Significant Disproportionality Reasonable Progress

Significant Disproportionality Stakeholder Group
Shiyloh Duncan-Becerril, Special Education Data
Administrator

What is Reasonable Progress?

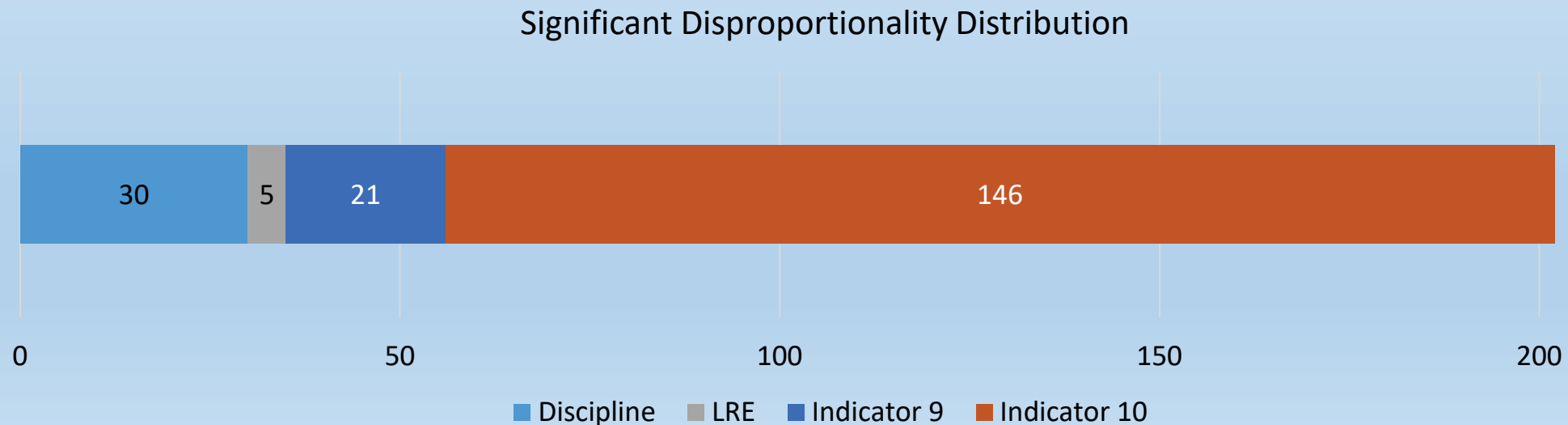
- 34 CFR §300.647(b)(1)(iii)(a) allows for States to have Reasonable Progress flexibility to the Significant Disproportionality calculation.
- States must develop measures for Reasonable Progress with the advice of stakeholders, including State Advisory Panels.
- States should set their Reasonable Progress standards based on whether the progress realized by LEAs in lower risk ratios represents a meaningful benefit to children in the LEA, rather than a statistical noise or chance.
- This flexibility requires data from the 3 immediately prior consecutive years. Three years of data are necessary to show the decrease over the two-year period required by the regulations.

Reasonable Progress Options

- Reasonable Progress Option 1: Using 3 years of data demonstrating a lower Risk Ratio for 2 consecutive years in the same area (yet still $RR \geq 3.0$)
 - What percentage of progress?
 - .5 Risk Ratio Reduction per year
- Reasonable Progress Option 2: Any progress over two years
- Reasonable Progress Option 3: No reasonable progress

Significant Disproportionality 2018-19

- If Reasonable Progress is not defined, there will be 165 LEAs found to be Significantly Disproportionate in 202 areas.
 - This includes data years 2016-17, 2017-18, 2018-19.



Reasonable Progress

- States have flexibility not to identify significant disproportionality in districts that make reasonable progress in lowering risk ratios for two prior consecutive years.
- The “multi-year” flexibility must be applied separately to each of the 98 risk ratios calculated.
- Reasonable progress standard must represent a meaningful benefit to children in the LEA and is not the result of statistical noise or chance.

Option 1: Reduction the risk ratio by area

Discipline	Native American	Asian	African American	Hispanic	Multiple Ethnicities	Pacific Islander	White	Total	Total-African American
Students Disciplined	1	0	25	41	7	0	10	84	59
Enrollment	96	2,255	14,139	9,166	245	44	2,527	15,772	14,333
Risk Ratio (Max=3)	NC	NC	4.22	0.69	16.48	NC	0.71	22.1	

Disproportionate Year 1

Risk for AFAM	25/1439	=	1.737318
Risk for Other students	59/14,333	=	0.411637
Risk Ratio	1.7373/0.4116	=	4.220504



Discipline	Native American	Asian	African American	Hispanic	Multiple Ethnicities	Pacific Islander	White	Total	Total-African American
Students Disciplined	1	0	20	41	7	0	10	84	59
Enrollment	96	2,255	14,139	9,166	245	44	2,527	15,772	14,333
Risk Ratio (Max=3)	NC	NC				NC			

Disproportionate Year 2

Risk for AFAM	20/1439	=	1.3898
Risk for Other students	59/14,333	=	0.411637
Risk Ratio	1.3898/0.4116	=	3.72

.5 Reduction



Risk reduces by .5 each year over two years

Discipline	Native American	Asian	African American	Hispanic	Multiple Ethnicities	Pacific Islander	White	Total	Total-African American
Students Disciplined	1	0	18	41	7	0	10	84	59
Enrollment	96	2,255	14,139	9,166	245	44	2,527	15,772	14,333
Risk Ratio (Max=3)	NC	NC				NC			

Disproportionate Year 3

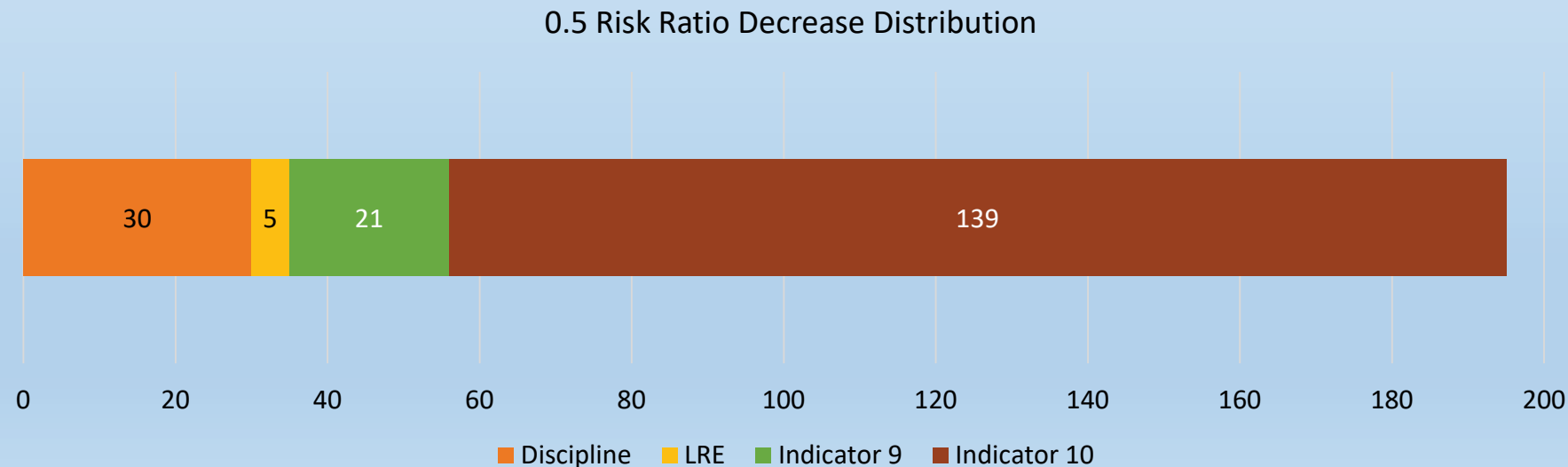
Risk for AFAM	18/1439	=	1.2500
Risk for Other students	59/14,333	=	0.411637
Risk Ratio	1.250/0.4116	=	3.22

.5 Reduction



Reasonable Progress Model

- If CDE defines Reasonable Progress as a decrease in a risk ratio of 0.5 or more for each of the two prior consecutive years – 7 LEAs in 7 areas would be excused.



Reasonable Progress Option 2: Any Reduction Over

Discipline	Native American	Asian	African American	Hispanic	Multiple Ethnicities	Pacific Islander	White	Total	Total-African American
Students Disciplined	1	0	25	41	7	0	10	84	59
Enrollment	96	2,255	14,139	9,166	245	44	2,527	15,772	14,333
Risk Ratio (Max=3)	NC	NC	4.22	0.69	16.48	NC	0.71	22.1	

Disproportionate Year 1

Risk for AFAM	25/1439	=	1.737318
Risk for Other students	59/14,333	=	0.411637
Risk Ratio	1.7373/0.4116	=	4.220504



Discipline	Native American	Asian	African American	Hispanic	Multiple Ethnicities	Pacific Islander	White	Total	Total-African American
Students Disciplined	1	0	20	41	7	0	10	84	59
Enrollment	96	2,255	14,139	9,166	245	44	2,527	15,772	14,333
Risk Ratio (Max=3)	NC	NC				NC			

Disproportionate Year 2

Risk for AFAM	20/1439	=	1.3898
Risk for Other students	59/14,333	=	0.411637
Risk Ratio	1.3898/0.4116	=	4.01

.21 Reduction



Discipline	Native American	Asian	African American	Hispanic	Multiple Ethnicities	Pacific Islander	White	Total	Total-African American
Students Disciplined	1	0	18	41	7	0	10	84	59
Enrollment	96	2,255	14,139	9,166	245	44	2,527	15,772	14,333
Risk Ratio (Max=3)	NC	NC				NC			

Disproportionate Year 3

Risk for AFAM	18/1439	=	1.2500
Risk for Other students	59/14,333	=	0.411637
Risk Ratio	1.250/0.4116	=	3.52

.49 Reduction

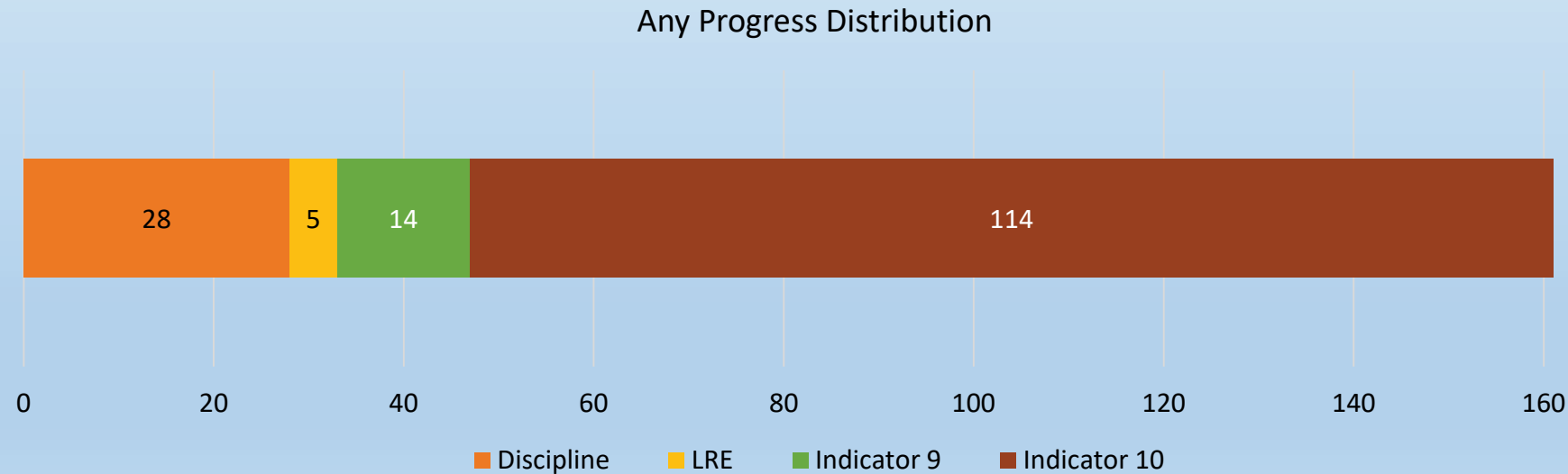
Options:

1.2 Risk reduces by .5 each year over two years

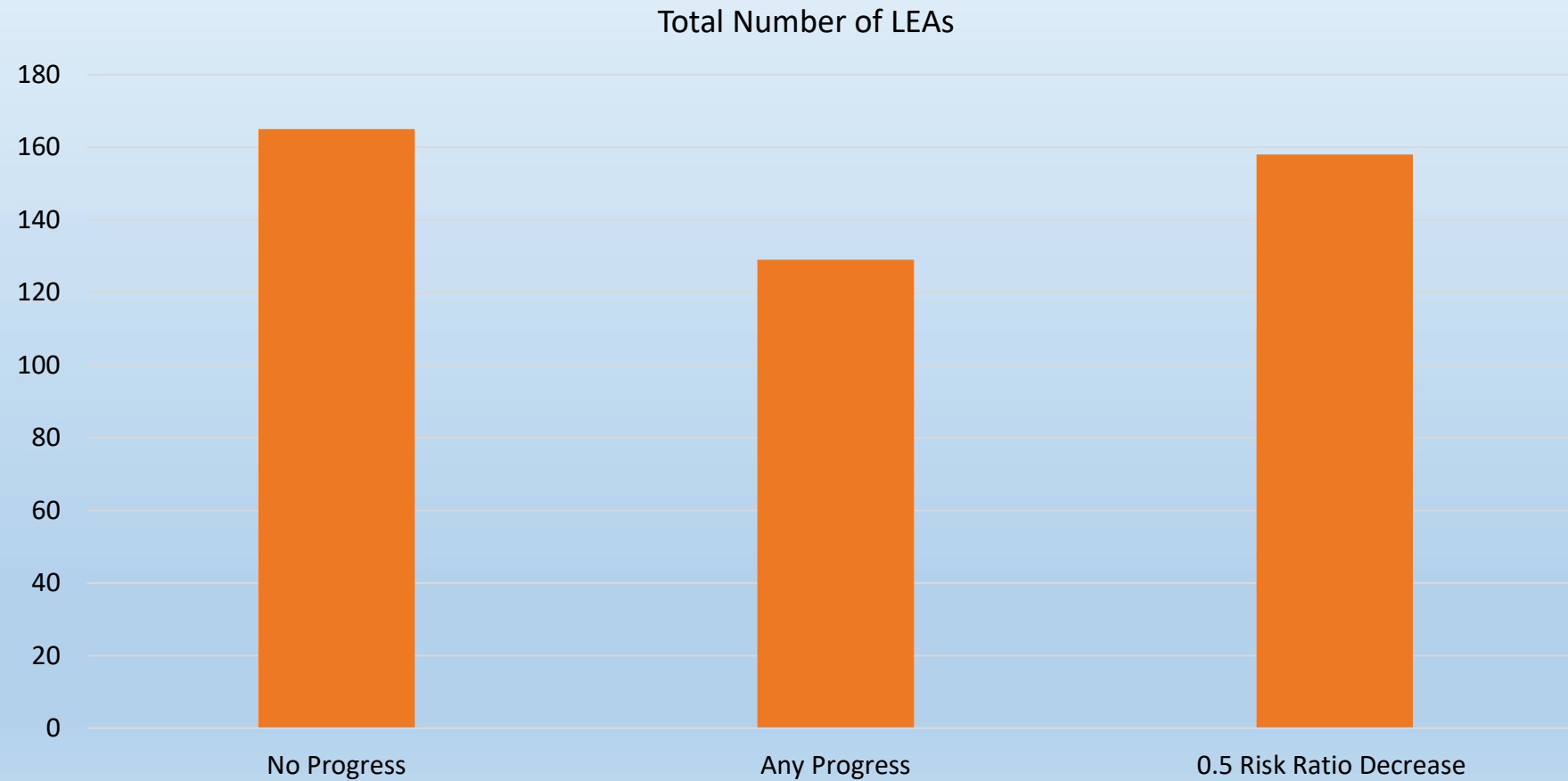


Reasonable Progress Model

- If CDE defines Reasonable Progress as **any** progress made for each of the two prior consecutive years - 36 LEAs, in 41 areas would be excused.



Reasonable Progress Comparison



CERTIFICATE OF SERVICE

Case Name: **Emma C., et al. v. Thurmond,**
et al.

No. **3:96-cv-04179-VC**

I hereby certify that on January 31, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

STATE DEFENDANTS' FURTHER PHASE 2 SUBMISSION

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 31, 2020, at Sacramento, California.

Christopher R. Irby

Declarant

/S/ CHRISTOPHER R. IRBY

Signature